Appendix P.

Policy Regarding Controlled Propagation of Species Listed Under the Endangered Species Act

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: October 20, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: HUD 2020 Partners.

OMB Approval Number: 2528–XXXX.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: The purpose is to survey the perceptions of HUD partner groups about HUD performance and changes in that HUD 2020 Management reforms.

Respondents: Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Frequency of Submission: Biannually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	Burden hours
2,418		1		0.25	605

Total Estimated Burden Hours: 605.

Status: New.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 13, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–24103 Filed 9–19–00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 1018–AG25

Policy Regarding Controlled Propagation of Species Listed Under the Endangered Species Act

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, Commerce.

ACTION: Notice of policy.

SUMMARY: This policy, published jointly by the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), jointly referred to as the Services, addresses the role of controlled propagation in the conservation and recovery of species listed as endangered or threatened under the Endangered Species Act of 1973 (as amended) (Act). The policy provides guidance and establishes consistency for use of controlled propagation as a component of a listed species recovery strategy. This policy will help to ensure smooth transitions between various phases of conservation efforts such as propagation, reintroduction and monitoring, and foster efficient use of available funds. The policy supports the controlled propagation of listed species when recommended in an approved recovery plan or when necessary to prevent extinction of a species. Appropriate uses of controlled propagation include supporting recovery related research, maintaining refugia populations, providing plants or animals for reintroduction or augmentation of existing populations, and conserving species or populations at risk of imminent extinction or extirpation.

DATES: The final policy on controlled propagation is effective October 20, 2000.

ADDRESSES: You may view comments and materials received during the public comment period for the draft policy document by appointment during normal business hours in Room 420, 4401 North Fairfax Drive, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: David Harrelson, Division of Endangered Species, U.S. Fish and Wildlife Service at the above address (703/358–2171) or by e-mail at David_Harrelson@fws.gov; or Marta Nammack, Office of Protected Resources, National Marine Fisheries Service (301/713–1401) or by e-mail at Marta.Nammack@noaa.gov.

SUPPLEMENTARY INFORMATION: The Endangered Species Act specifically charges us with the responsibility for identification, protection, management, and recovery of species of plants and animals in danger of extinction. Fulfilling this responsibility requires the protection and conservation of not only individual organisms and populations, but also the genetic and ecological resources that listed species represent. Long-term viability depends on maintaining genetic adaptability within each species. Species, as defined in section 3(15) of the Act, includes ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' Though the Act emphasizes the restoration of listed species in their

natural habitats, section 3(3) of the Act recognizes propagation as a tool available to us to achieve this end. The controlled propagation of animals and plants in certain situations is an essential tool for the conservation and recovery of listed species. In the past, we have used controlled propagation to reverse population declines and to successfully return listed species to suitable habitat in the wild. To support the goal of restoring endangered and threatened animals and plants, we are obligated to develop sound policies based on the best available scientific and commercial information.

Summary of Comments and Recommendations

A draft policy on this subject was published on February 7, 1996 (61 FR 4716), and invited public comment. We received 47 comments. Twenty-four were from zoos, aquariums, botanical gardens, and conservation organizations, 3 from academic institutions, 6 from private individuals and business organizations, 2 from government organizations, and 12 from State natural resource agencies. Nearly all comments received were supportive of the policy and its goals. Comments that expressed concerns or criticisms were limited, though quite specific. We reviewed all comments received, and suggestions or clarifications have been incorporated into the final policy text. The following describes the major issues identified and our responses.

Issue: The draft policy, as published, would have a significant impact in terms of increased workload on the Services, zoological parks and aquariums, private organizations, and individual citizens.

Response: We acknowledge this concern and have modified the policy to reduce impacts to the zoo and aquarium community, botanical facilities, Federal fish hatcheries, and others who may be involved in propagation of listed species. As amended, this final policy is not expected to have a significant impact on organizations or individuals involved in propagation of listed species. The majority of zoological parks and aquaria that are involved in programs assisting the recovery of endangered and threatened animal species native to the United States are members of the American Zoo and Aquarium Association (AZA). The AZA has developed numerous strategies, protocols, and standards that address concerns associated with captive animal populations involved in conservation-based breeding programs. This final policy encourages the Services, and others, to follow as may be practical, the protocols and standards of the AZA, and other appropriate organizations, for the controlled propagation of animal species. The Center for Plant Conservation (CPC) is similar to the AZA in that this organization consists of member botanical gardens and arboreta that are involved in preventing the extinction of native plants, including those federally listed as endangered or threatened. When practical, the Services and others are encouraged to use the protocols and standards of the CPC, and other appropriate organizations, when propagating listed plant species.

Those individuals or organizations that currently have permits to keep listed species are exempt from this policy for the duration of the permit unless the Regional Director (FWS) or Assistant Administrator (NMFS) determines otherwise. For example, a permit holder implementing activities recommended in an approved recovery plan is exempt and would not need to reapply for a new permit. We have made substantial efforts to avoid adverse impacts, economic or otherwise, in order that cooperative recovery partnership opportunities may be maintained or increased with qualified organizations and individuals.

Issue: The policy would apply to research activities identified in recovery plans in which controlled propagation or unintentional propagation may occur.

Response: Research identified in recovery plans, including research that may lead to development of a controlled propagation capacity, is not covered by this policy because the intent of such research is not the production of individuals for introduction into the wild. Should offspring that are the product of research efforts be proposed for introduction into the wild, such offspring and any proposed reintroductions will be subject to this policy.

Should circumstances arise in the course of implementing recovery activities, including research, in which application of this policy is deemed necessary for the benefit of the listed species, the decision to apply the policy will rest with the Regional Director or Assistant Administrator.

Research on species with short lifespans (*e.g.*, 1 to 2 years) that requires maintenance of a captive population not intended for release to the wild is exempt from this policy. However, all activities involving reproduction of a listed U.S. species must meet the requirements of the Act, as well as any other legal and administrative obligations. All persons or institutions conducting approved activities involving controlled propagation of listed species for purposes other than release in the wild will still be required to develop appropriate measures to address concerns identified under section E. 5. of this policy.

Issue: The policy would apply to foreign species being maintained and propagated in U.S. zoological and aquarium facilities or by private individuals.

Response: This policy only applies to species indigenous to the United States and its territories for which we have, or intend to prepare, recovery plans. We have exempted foreign species that are listed under the Act and being propagated or maintained in the United States for conservation purposes.

Issue: Requirements to develop genetics and reintroduction guidance documents for species being propagated for augmentation of existing populations or for the establishment of new populations in the wild are not practical.

Response: We recognize this concern and have modified the policy accordingly. In many instances there is insufficient biological knowledge of the listed species to develop detailed genetic management documents, and the requirement for these documents may unnecessarily burden conservation and recovery efforts. However, we strongly recommend development of these documents if adequate information is available. Furthermore, we reemphasize the recommendation in the draft policy that controlled propagation activities follow accepted standards, which include appropriate genetics management.

Issue: There are too many reporting requirements.

Response: We have reduced reporting requirements. However, we need to identify those listed species involved in controlled propagation programs, the level of production in these programs, and efforts to secure appropriate habitat for population augmentation, reintroduction, and recovery.

Issue: The requirement that controlled propagation be permitted only if indicated in an approved final recovery plan would place an unnecessary burden on Federal programs to revise existing recovery plans to meet this requirement.

Response: We do not agree. The recovery plans for most species for which controlled propagation is occurring have identified this action as a specific recovery task. Where controlled propagation is not identified as a task in the recovery plan, but has been subsequently determined to be necessary to the recovery of the species,

the plan would need to be amended or revised.

Required Determinations

1. Regulatory Planning and Review

In accordance with Executive Order 12866, this policy was submitted for review by the Office of Management and Budget. In accordance with the criteria set forth in Executive Order 12866, this policy is not a significant regulatory action. Under current and anticipated levels of activity, this policy will not result in an annual economic effect of $100 million or more. Moreover, this policy will not adversely affect an economic sector, productivity, jobs, the environment, or other units of government. The controlled propagation policy does not pertain to commercial products or activities or anything traded in the marketplace.

2. Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

We certify that this policy will not have a significant economic effect on a substantial number of small entities. This policy does not apply to all species listed under the Act but only to those species native to the United States and its territories for which recovery plans exist or are expected to be developed. Furthermore, controlled propagation is restricted to those species for which such propagation is specifically recommended in an approved final recovery plan. Programs involving the controlled propagation of federally listed species are typically restricted to institutions such as the FWS's National Fish Hatcheries and Fish Technology Centers. Nongovernmental entities that may be involved in the controlled propagation of listed species are typically organizations with a high level of technical skill in the captive maintenance and breeding of plants and animals, such as zoos, aquaria, and botanical gardens. Rarely are academic institutions and even more infrequently, private individuals, involved in the controlled propagation of listed species for conservation and recovery purposes.

3. Small Business Regulatory Fairness Act (5 U.S.C. 804(2))

This is not a major rule under 5 U.S.C. 804(2). This policy will not have an annual effect on the economy of $100 million or more, produce increases in costs or prices for consumers, individual industries or Federal, State or local government agencies, affect economic competitiveness, or economically impact geographic regions in the United States or its territories.

4. Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

This policy does not impose an unfunded mandate on any State, Tribal, or local government or the private sector of $100 million or more per year.

5. Takings

In accordance with Executive Order 12630, this policy does not pose significant takings implications, and a takings implication assessment is not required. Implementation of this policy will not result in ''take'' of private property and will not alter the value of private property. Many reintroductions of propagated species occur exclusively on FWS, other Federal, or State lands, but reintroductions on private lands are not unknown. In such cases, the private entities work with the Services as willing partners to ensure the success of the reintroduction effort.

6. Federalism

In accordance with Executive Order 13132, this policy does not have sufficient federalism implications to warrant the preparation of a federalism assessment. It does not affect the structure or role of States, and will not have direct, substantial, or significant effects on States. Releases of propagated species typically occur on Federal or State lands. The States work with the Services as willing partners to ensure the success of reintroduction efforts.

7. Civil Justice Reform

In accordance with Executive Order 12988, the Department of the Interior's Office of the Solicitor has determined that this policy does not unduly burden the judicial system. The final policy provides clear standards, simplifies procedures, reduces burden, and is clearly written such that litigation risk is minimized.

8. Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This policy does not contain any new information collection requirements for which Office of Management and Budget approval under the Paperwork Reduction Act is required. The OMB control number for the FWS is 1018–0094 and for NMFS is 0648–0230 and 0648–0402.

9. National Environmental Policy Act

We have analyzed this policy under the criteria of the National Environmental Policy Act of 1969 as amended, and have determined that the issuance of this policy is categorically excluded by the Department of the Interior in 516 DM 2, Appendix 1.10. The NMFS concurs with the Department of the Interior's determination that the issuance of this policy qualifies for a categorical exclusion and satisfies the categorical exclusion criteria in the National Oceanic and Atmospheric Administration 216–6 Administrative Order, Environmental Review Procedure. No further NEPA documentation is required.

10. Government-to-Government Relationship With Tribes

Though no reintroductions of captively propagated federally endangered or threatened species have been undertaken, in accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we recognize the potential for such actions in the future and the obligation to relate to federally recognized Tribes on a government-to-government basis.

References Cited

A complete list of all references cited in this final policy is available on request from the Washington Office of the Division of Endangered Species (see **ADDRESSES** section).

Authors. The primary authors of this policy are David Harrelson of the Fish and Wildlife Service's Division of Endangered Species, Mail Stop 420 ARLSQ, 1849 C Street, NW, Washington, DC 20240 (703/358–2171), and Marta Nammack of the National Marine Fisheries Service's Protected Species Management Division, 1335 East-West Highway, Silver Spring, Maryland 20910 (301/713–1401).

Policy Statement

A. *What is the purpose of this policy?* This policy provides guidance and establishes consistency with respect to Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), jointly called the Services, activities in which the controlled propagation of a listed species, as the term ''species'' is defined in section 3(15) of the Act, is implemented as a component of the recovery strategy for a listed species. It supports and promotes coordination between various phases of controlled propagation efforts such as propagation technology development, propagation for release, population augmentation, reintroduction, and monitoring. This policy will also contribute to the efficient use of funding resources.

Guidance is provided regarding the use of controlled propagation for:

• Preventing the extinction of listed species, subspecies, or populations;

• Recovery-oriented scientific research, including, but not restricted to, developing propagation methods and technology, and other actions that are expected to result in a net benefit to the listed taxon. Use of surrogates, while applicable to the recovery of listed species, is exempt from the requirements of this policy;
• Maintaining genetic vigor and demographic diversity of listed species, subspecies, or populations;
• Maintaining refugia populations for nearly extinct animals or plants on a temporary basis until threats to a listed species' habitat are alleviated, or necessary habitat modifications are completed, or when potentially catastrophic events occur (*e.g.*, chemical spills, severe storms, fires, flooding);
• Providing individuals for establishing new, self-sustaining populations necessary for recovery of the listed species; and
• Supplementing or enhancing extant populations to facilitate recovery of the listed species.

B. *What is the scope of this policy?* This policy applies to all pertinent organizational elements of both Services, notwithstanding those differences in administrative procedures and policies as noted. Exceptions to this policy appear in section F. This policy pertains to all efforts requiring permits under 50 CFR 17 subparts C and D, funded, authorized, or carried out by us that are conducted to propagate threatened or endangered species by:
• Establishing or maintaining refugia populations;
• Producing individuals for research and technology development needs;
• Producing individuals for supplementing extant populations; and
• Producing individuals for reintroduction to suitable habitat within the species' historic range.

C. *Why is this policy necessary?* The controlled propagation of animals and plants in certain situations is an essential tool for the conservation and recovery of listed species. In the past, we have used controlled propagation to reverse population declines and to successfully return listed species to suitable habitat in the wild.

Though controlled propagation has a supportive role in the recovery of some listed species, the intent of the Act is ''to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.'' Controlled propagation is not a substitute for addressing factors responsible for an endangered or threatened species' decline. Therefore, our first priority is to recover wild populations in their natural habitat wherever possible, without resorting to the use of controlled propagation. This position is fully consistent with the Act.

We recognize that genetic and ecological risks may be associated with introducing to the wild, animals and plants bred and reared in a controlled environment. When considering controlled propagation as a recovery option, the potential benefits and risks must be assessed and alternatives requiring less intervention objectively evaluated. If controlled propagation is identified as an appropriate strategy for the recovery of a listed species, it must be conducted in a manner that will, to the maximum extent possible, preserve the genetic and ecological distinctiveness of the listed species and minimize risks to existing wild populations.

We recognize that for many species, information available for detailed genetics conservation management or assessment of risks associated with reintroduction may be insufficient. Therefore, this policy does not specifically require written genetic management plans and ecological risk assessments to initiate or support controlled propagation programs. Additionally, acute conservation needs may legitimately outweigh delays that would be incurred by such a requirement. However, where sufficient biological and environmental information exists, and where conservation activities would not be unduly constrained, a formal assessment of ecological and genetic risks is strongly encouraged. Risks that must be evaluated in the planning of controlled propagation programs include the following specific examples:
• Removal of natural parental stock that may result in an increased risk of extinction by reducing the abundance of wild individuals and reducing genetic variability within naturally occurring populations;
• Equipment failures, human error, disease, and other potential catastrophic events that may cause the loss of some or all of the population being held or maintained in captivity or cultivation;
• The potential for an increased level of inbreeding or other adverse genetic effects within populations that may result from the enhancement of only a portion of the gene pool;
• Potential erosion of genetic differences between populations as a result of mixed stock transfers or supplementation;
• Exposure to novel selection regimes in controlled environments that may diminish a listed species' natural capacity to survive and reproduce in the wild;
• Genetic introgression, which may diminish local adaptations of the naturally occurring population;
• Increased predation, competition for food, space, mates, or other factors that may displace naturally occurring individuals, or interfere with foraging, migratory, reproductive, or other essential behaviors; and
• Disease transmission.

Controlled propagation programs must be undertaken in a manner that minimizes potentially adverse impacts to existing wild populations of listed species, and we must conduct controlled propagation programs in a manner that avoids additional listing actions.

D. *What are the definitions for terms used in this policy?* The following definitions apply:

Controlled environment—A controlled environment is one manipulated for the purpose of producing or rearing progeny of the species in question, and of a design intended to prevent unplanned escape or entry of plants, animals, or gametes, embryos, seeds, propagules, or other potential reproductive products.

Controlled propagation—Among animals, it includes natural or artificial matings, fertilization of sex cells, transfer of embryos, development of offspring, and grow-out of individuals of a species when the species is intentionally confined or the mating is directly intended by human intervention.

The term also includes the human-induced propagation of plants from seeds, spores, callus tissue, divisions, cuttings, or other plant tissue, or through pollination in a controlled environment.

• Defined in the context of this policy, controlled propagation refers to the production of individuals, generally within a managed environment, for the purpose of supplementing or augmenting a wild population(s), or reintroduction to the wild to establish new populations.

Intercross—Any instance of interbreeding or genetic exchange between individuals of different species, subspecies, or distinct population segments of a vertebrate species.

Phenotype—The expression of the genetic makeup of an organism through physical characteristics that make up its appearance.

Recovery priority system—The system used for assigning recovery priorities to listed species and to recovery tasks. Recovery priority is based on the degree of threat, recovery potential, taxonomic

distinctness, and presence of an actual or imminent conflict between the species' conservation, adverse human activities, and other threats.

Rescue and salvage—These terms refer to extreme conditions wherein a species or population segment at risk of extinction is brought into a controlled environment (i.e., refugia) on a temporary or permanent basis.

Taxon—A formal group of organisms of any rank or formal scientific classification.

E. *What is our Policy?* This policy is intended to address candidate, proposed, and listed species indigenous to the United States and its territories for which the Services, have, or intend to prepare, recovery plans. This policy focuses primarily on those activities involving gamete transfer and subsequent development and grow-out of offspring in a laboratory, botanical facility, zoo, hatchery, aquarium, or similarly controlled environment. This policy also addresses activities related to or preceding controlled propagation activities such as:

- Obtaining and rearing offspring for research;
- Procuring broodstock for future controlled propagation and augmentation efforts; or
- Holding offspring for a substantial portion of their development or through a life-stage that experiences poor survival in the wild.

The goals of this policy include coordinating recovery actions specific to controlled propagation activities; maximizing benefits to the listed species from controlled propagation efforts; assuring that appropriate recovery measures other than controlled propagation and that other existing recovery priorities are considered in making controlled propagation decisions; and ensuring prudent use of funds.

Our policy is that the controlled propagation of threatened and endangered species will be:

1. Used as a recovery strategy only when other measures employed to maintain or improve a listed species' status in the wild have failed, are determined to be likely to fail, are shown to be ineffective in overcoming extant factors limiting recovery, or would be insufficient to achieve full recovery. All reasonable effort should be made to accomplish conservation measures that enable a listed species to recover in the wild, with or without intervention (*e.g.*, artificial cavity provisioning), prior to implementing controlled propagation for reintroduction or supplementation.

2. Coordinated with conservation actions and other recovery measures, as appropriate or specified in recovery plans, that will contribute to, or otherwise support, the provision of secure and suitable habitat. Controlled propagation programs intended for reintroduction or augmentation must be coordinated with habitat management, restoration, and other species' recovery efforts.

3. Based on the specific recommendations of recovery strategies identified in approved recovery plans or supplements to approved recovery plans whenever practical. The recovery plan, in addressing controlled propagation, should clearly identify the necessity and role of this activity as a recovery strategy.

4. Based on specific consideration of the potential ecological and genetic effects of the removal of individuals for controlled propagation purposes on wild populations and the potential effects of introductions of artificially bred animals or plants on the receiving population and other resident species. Assessments of potential risks and benefits will be addressed, as required, through sections 7 and 10 of the Act and the National Environmental Policy Act (NEPA, 42 U.S.C. 4332) for proposed controlled propagation actions.

5. Based on sound scientific principles to conserve genetic variation and species integrity. Intercrossing will not be considered for use in controlled propagation programs unless recommended in an approved recovery plan; supported in an approved genetic management plan (if information is available to develop such a plan, and which may or may not be part of an approved recovery plan); implemented in a scientifically controlled and approved manner; and undertaken to compensate for a loss of genetic viability in listed taxa that have been genetically isolated in the wild as a result of human activity. Use of intercross individuals for species conservation will require the approval of the FWS Director or that of the NMFS Assistant Administrator, in accordance with all applicable policies.

6. Preceded, when practical, by the development of a genetics management plan based on accepted scientific principles and procedures. Controlled propagation protocols will follow accepted standards such as those employed by the American Zoo and Aquarium Association (AZA), the Center for Plant Conservation (CPC), and Federal agency protocols such as fish management guidelines to the extent practical. All efforts will be made by us and our cooperators to ensure that the genetic makeup of propagated individuals is representative of that in free-ranging populations and that propagated individuals are behaviorally and physiologically suitable for introduction. Determination of biological ''suitability'' may include, but should not necessarily be limited to, analysis of geomorphological similarities of habitat, genetic similarity, phenotypic characteristics, stock histories, habitat use, and other ecological, biological, and behavioral indicators. All controlled propagation programs will address the issue of disposition of individuals found to be:

(a) Unfit for introduction to the wild;
(b) Unfit to serve as broodstock;
(c) Surplus to program needs; or
(d) Surplus to the recovery needs for the species (*e.g.,* to preclude genetic and ecological swamping).

Controlled propagation activities should not be initiated without including consideration of these issues and obtaining required permits and other authorizations as necessary. Disposition of individuals surplus to program needs may include use for research or other appropriate purposes.

Programs involving the controlled propagation of listed species for research purposes identified in final recovery plans and in which progeny will not be reintroduced to the wild are exempt from this policy. Examples of exempt actions include research involving the determination of germination rates in plants and spawning success rates in fish. This exemption does not extend to the need for these activities to comply with any other applicable Federal or State permitting or regulatory requirements.

7. Conducted in a manner that takes all known precautions to prohibit the potential introduction or spread of diseases and parasites into controlled environments or suitable habitat.

8. Conducted in a manner that will prevent the escape or accidental introduction of individuals outside their historic range.

9. Conducted, when feasible, at more than one location in order to reduce the potential for catastrophic loss at a single facility when a substantial fraction of a species or important population segment is brought into captivity.

10. Coordinated, as appropriate, with organizations and qualified individuals both within and outside our agencies. We will cooperate with other Federal agencies and State, Tribal, and local governments.

11. Conducted in a manner that will meet our information needs and that will be in accordance with accepted protocols and standards. In the case of listed species for which traditional

studbooks or registrations are not practical, records of eggs, larvae, or other life-stages will be maintained.

12. With limited exceptions, implemented only after a commitment to funding is secured.

13. Prior to releases of propagated individuals, tied to development of a reintroduction plan, unless this information is already contained in an approved recovery plan, species survival plan, or equivalent document that has received the approval of the appropriate Service. Controlled propagation and reintroduction plans will identify measurable objectives and milestones for the proposed propagation and reintroduction effort. The controlled propagation and reintroduction plan should be based on strategies identified in the approved recovery plan. It should include protocols for health management, disease screening and disease-free certification, monitoring and evaluation of genetic, demographic, life-history, phenotypic, and behavioral characteristics, data collection, recordkeeping, and reporting as appropriate. On implementation, periodic evaluations must be made to assess project progress and consider new scientific information and the status of habitat conservation efforts.

14. Conducted in accordance with the regulations implementing the Endangered Species Act, Marine Mammal Protection Act, Animal Welfare Act, Lacey Act, Fish and Wildlife Act of 1956, and the Services' procedures relative to NEPA.

F. *Does this policy allow any exceptions?* Except as identified in this section, any exceptions to the above policy guidelines will require specific approval from the FWS Director or the NMFS Assistant Administrator on a case by case basis. The following circumstances have been anticipated and are exempted from this policy.

1. Pacific salmon are exempted from this policy. NMFS, as the lead Service for the recovery of listed Pacific salmon, has developed and will continue to use the interim policy (April 5, 1993, 58 FR 17573) addressing controlled propagation of these species. The NMFS interim artificial propagation policy more specifically addresses the biological needs of these species.

2. Cases where a listed species has an ephemeral reproductive stage or short (1–2 year) lifespan that necessitates controlled propagation to sustain the listed species in refugia, or to maintain a research population where there is no intent to release captive-bred individuals from that population into the wild, are exempt.

3. In the absence of an approved recovery plan, recommendations contained in recovery outlines, draft recovery plans, or made in writing by a recovery team may be used to justify controlled propagation as a necessary recovery measure for listed species in danger of imminent extinction or extirpation of critical populations. However, under such circumstances initiation of controlled propagation activities will require the Regional Director's or Assistant Administrator's approval.

4. Candidate and proposed species held in refugia, used in research, or used for the development of propagation technology that are subsequently listed as endangered or threatened are exempted from this policy. Any propagation program initiated with candidate or proposed species with the intent to produce individuals for release to the wild are not exempted and must comply with this policy.

5. Captive breeding of listed species that are not native to the United States or its territories or possessions, and producing individuals not addressed in an approved recovery plan and not intended for release within the United States or its territories or possessions, is exempt from this policy. However, such activities must comply with any other Federal and State laws, permit needs, or other requirements.

6. The temporary removal and holding of listed individuals, unless such actions intentionally involve reproduction other than for purposes of recovery-related research or as needed to maintain a refugia population is exempted.

7. The short-term holding or captive-rearing of wild-bred individuals obtained for later reintroduction, augmentation, or translocation efforts when controlled propagation does not take place or is not intended during the period of captive maintenance.

8. Actions involving cryopreservation or other methods of conserving biological materials, if not intended for near-term use in controlled propagation or the reintroduction into the wild of listed species, are exempt from this policy. When and if reintroduction to the wild requires the use of these materials, such activities would come under the scope of this policy.

9. Additional exceptions to this policy may be made on a case-by-case basis with the approval of the FWS Director or NMFS Assistant Administrator, as warranted.

Where conflicts may arise between this policy and programs carried out in furtherance of restoration goals or required by treaty, trust resources obligations, or other legal mandate, we will, to the extent practical, make every effort to achieve solutions that are consistent with the requirements of the Act and this policy.

G. *Who are our potential partners?* We recognize the need for partnerships with other Federal agencies, States, Tribes, local governments, and private entities in the recovery of listed species. We will seek to develop partnerships with qualified cooperators for the purpose of propagating listed, proposed, and candidate species (as authorized under sections 6 and 2(a)(5) of the Act). Guidance for this activity is as follows:

1. The FWS Regional Directors or the NMFS Regional Administrators may explore opportunities for accomplishing controlled propagation and any associated research tasks with other Federal cooperators, FWS/NMFS facilities, State agencies, Tribes, zoological parks, aquaria, botanical gardens, academia, and other qualified parties at their discretion. We will select cooperators on the basis of scientific merits; technical capability; willingness to adhere to our policies, guidance, and protocols; and cost-effectiveness.

2. Regional Directors or Regional Administrators, depending on which agency has lead for the species, will be responsible for ensuring appropriate staff oversight of programs conducted by all cooperators to ensure adherence to necessary protocols, guidance, and permit conditions, and to coordinate reporting requirements.

H. *What are the Federal agency responsibilities under this policy?* This policy shall be implemented in accordance with the following guidelines:

1. The Regional Directors and Regional Administrators will ensure compliance with this policy for those species for which they have responsibility.

2. Regional Directors and Regional Administrators are responsible for recovery of listed species under their jurisdiction. Recovery actions for which Regional Directors and Regional Administrators have authority include establishment of refugia, initiation of necessary research or technology development, implementation of controlled propagation programs, and propagation research for listed species. When determining species' priority for inclusion in controlled propagation programs, we will consider the following:

(a) Whether or not a listed species' recovery plan outline, draft recovery plan, or final recovery plan identifies controlled propagation as an appropriate recovery strategy and what

priority this task is assigned within the overall recovery strategy.

(b) The availability and willingness of cooperators to contribute to recovery activities, including cost sharing.

3. In the event that the current recovery plan fails to identify the establishment of refugia, initiation of propagation research, or controlled propagation as recovery tasks as necessary to the recovery of the species, the recovery plan will be updated, amended, or revised as appropriate. Recovery plans not yet finalized will be amended to reflect the changed recovery requirements of the listed species and provide justifications as necessary.

4. Within 6 months of the effective date of this policy, FWS Regional Directors will identify all listed species for which they have the lead recovery responsibility that are (1) being held in refugia; (2) involved in pre-propagation research; and (3) are involved in controlled propagation programs. For species involved in controlled propagation programs, the level of production and the recovery purpose (*e.g.*, augmentation of extant populations, establishment of new populations) will be identified. This information will be reported to the Assistant Director, Endangered Species, in the FWS Washington D.C. Office.

5. Continuation of those programs not in conformity with this policy 12 months following implementation of this policy will require the FWS Director's or NMFS Assistant Administrator's concurrence. The Regional Director and Regional Administrator will provide his or her recommendation to the Director or Assistant Administrator.

I. *Does the policy include annual reporting requirements?* For the FWS, annual reports based on fiscal years will be prepared by the responsible regional authority and submitted to the Director, through the Assistant Director, Endangered Species, not later than October 31st of each year. Reports will contain the following information for each species being maintained in refugia, in pre-propagation research, or under propagation:

- Recovery priority number;
- Policy criteria that are not met (if any);
- A brief description of the controlled propagation program, including objectives and status;
- List of cooperators, if any;
- Expenditures for the past fiscal year;
- Prospects for, or obstacles to, achieving research, controlled propagation, or reintroduction objectives, and,
- A brief description of the status of wild populations, if any.

J. *What authorities support this policy?* The Endangered Species Act of 1973, as amended; Marine Mammal Protection Act of 1972, as amended; Animal Welfare Act; Lacey Act; Fish and Wildlife Act of 1956; and National Environmental Policy Act.

K. *What are the information collection requirements?* The permit application required for participation in the controlled propagation of species listed under the Act is FWS form #3–200–55 Interstate Commerce and Recovery and form #3–200–56 for incidental take. Applicants for NMFS research/enhancement permits or incidental take permits must meet certain criteria in their applications but there are no specific forms. We use these forms or applications to permit recovery actions that may be undertaken for scientific purposes, enhancement of propagation or survival, or for incidental taking. Whenever we ask the public to submit information, we must have authorization from the Office of Management and Budget. As part of the permitting process, we often ask the public to provide information such as filling out permit applications or submitting reports.

Information collection requirements under this policy are included under the Office of Management and Budget collection approval number 1018–0094 (FWS) and 0648–0230 (NMFS), which includes information collection for permits granted for interstate commerce and recovery and incidental take. The expiration date of this approval is February 28, 2001(FWS), and October 31, 2001 (NMFS). The purpose of information collection is to identify performance of permitted tasks and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and described in 50 CFR 17.22(a)(1) and (3) and 17.32(a)(1) and (3) (FWS) and 50 CFR 222 (NMFS).

We have estimated that the time required by an applicant to complete FWS form 3–200–55 is 2 hours. Applications to NMFS for these permits are estimated to require 80 hours for completion. The information required is already known to the applicant and need only be entered on the application form. Summary information for endangered species permit applications will be published in the **Federal Register** as required by regulation. This notice is provided pursuant to section 10(c) of the Act and NEPA regulations (40 CFR 1506.6). The total burden hours for completing reporting requirements is also estimated at 2 hours for the FWS and 80 hours for NMFS. No costs to applicants beyond the cost of hour burden described above are anticipated. Annual reports are generally required for permits for scientific research.

For organizations, businesses, or individuals operating as a business (*i.e.*, permittee not covered by the Privacy Act), we request that such entities identify any information that should be considered privileged and confidential business information to allow us to meet our responsibilities under the Freedom of Information Act. Confidential business information must be clearly marked ''Business Confidential'' at the top of the first page and each succeeding page, and must be accompanied by a nonconfidential summary of the confidential information. Documents may be made available to the public under Department of the Interior Freedom of Information Act (FOIA) regulations in 43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(I) and Department of Commerce 15 CFR 4. Documents and other information submitted with these applications are made available for public review, subject to the requirements of the Privacy Act and FOIA, by any party who submits a written request for a copy of such documents to the appropriate Service within 30 days of the date of publication of the notice.

Signed: August 4, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service, Department of the Interior.

Dated: August 18, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–23957 Filed 9–19–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–020–1040–HV; NMNM–102554]

A Direct Sale of Public Land to Richard Montoya of Santa Fe, NM

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land has been found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) and at no less than the estimated fair market value. The land will not be offered for sale until at least 60 days after the date of this notice.

Appendix Q.

Example Implementation Schedules

Hawksbill sea turtle (*Eretmochelys imbricata)*
Hau kuahiwi *(Hibiscadelphus distans)*

IV. IMPLEMENTATION SCHEDULE

The Implementation Schedule outlines management and research actions and estimated costs for the U.S. Pacific hawksbill turtle recovery program, as set forth in this recovery plan. It is a guide for meeting the objectives discussed in Part II of this plan. This schedule indicates wherever possible, task priority, task numbers, task descriptions, duration of tasks, the agencies responsible for committing funds, and lastly, estimated costs. The agencies responsible for committing funds are not, necessarily, the entities that will actually carry out the tasks. The actions identified in the implementation schedule, when accomplished, should protect habitat for the species, stabilize the existing populations, and increase the population sizes and numbers. Monetary needs for all parties involved are identified to reach this point, whenever feasible

Priorities in column 3 of the following Implementation Schedule are assigned as follows:

Priority 1 -

> An action that must be taken to prevent extinction or to prevent the species from declining irreversibly in the foreseeable future.

Priority 2 -

> An action that must be taken to prevent significant decline in species population/habitat quality or some other significant negative impact short of extinction.

Priority 3 -

> All other actions necessary to provide for full recovery of the species.

KEY to Implementation Table Abbreviations:

CNMI	=	Commonwealth of the Northern Mariana Islands
COE	=	U.S. Army Corp of Engineers
DOC	=	U.S. Department of Commerce
DOI	=	U.S. Department of Interior
DOS.	=	U.S. Department of State (primarily as a conduit for negotiations and support for tasks in other political jurisdictions)
EPA	=	U.S. Environmental Protection Agency
FSM	=	Federated States of Micronesia
FWS	=	U.S. Fish & Wildlife Service
NA	=	Not applicable
NMFS	=	National Marine Fisheries Service
NRCS	=	Natural Resources Conservation Service (Soil Conservation Service)
RMI	=	Republic of the Marshall Islands
USN	=	U.S. Navy

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
1.1 Protect & manage turtles on nesting beaches **1.1.1** Eliminate directed take of turtles and their eggs	1.1.1.1 Reduce directed take through public education & information	1	Continuing	FWS, NMFS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS	75	75	75	75	75	Provide support for international information exchange forum[1]
	1.1.1.2 Law enforcement-prevent illegal exploitation & harassment	1	Continuing	FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS, NMFS	75	75	75	75	75	
1.1 Protect & manage turtles on nesting beaches (*cont.*)	1.1.2 Ensure coastal construction activities do not disrupt nesting & hatching activities	1	Continuing	COE, FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS, NMFS						No specific costs - part of ongoing program activities

[1] Also includes Task 2.1.1.1. Duplicative of Tasks 1.1.1.1 in green turtle plan

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
1.1 Protect & manage turtles on nesting beaches (*cont.*)	1.1.3 Reduce nest predation by domestic & feral animals	1	Continuing	FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS, NMFS	150	150	150	200	200	Review after 10 years
1.1 Protect & manage turtles on nesting beaches (*cont.*) **1.1.4** Reduce effects of artificial lighting on hatchlings & nesting females	1.1.4.1 Quantify effects of artificial lighting	2	2 years			50	50			
	1.1.4.2 Implement, enforce, evaluate lighting regulations or other lighting control measures	2	Continuing							No additional costs - part of program activities
1.1 Protect & manage turtles on nesting beaches (*cont.*) **1.1.5** Collect biological information on nesting populations	1.1.5.1 Monitor nesting activity, identify important nesting beaches, determine population trends	1	Continuing		50	250	150	150	150	Re-evaluate funding after 5 years
	1.1.5.2 Evaluate nest success, implement nest-protection measures	1	Continuing		50	150	150	150	150	Re-evaluate funding after 5 years

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
1.1 Protect & manage turtles on nesting beaches (*cont.*) **1.1.5** Collect biological information on nesting populations (*cont.*) **1.1.5.3** Define stock boundaries	1.1.5.3.1 Identify stock type for major nesting beach areas	1	10 years	NMFS, FWS, DOS	100	100	100	100	100	Costs included for Tasks 1.1.5.3.1-1.1.5.3.3
	1.1.5.3.2 Determine nesting beach origins-juvenile & subadult populations	1	10 years							
	1.1.5.3.3 Determine genetic relationship among populations	1	10 years	FWS, NMFS						
1.2 Protect & manage nesting habitat	1.2.1. Prevent degradation due to erosion-control measures, jetties & breakwaters	2	Continuing	COE, FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS, NMFS						No costs - carried out by in-country resource/regulating agencies
	1.2.2 Eliminate sand, coral rubble removal & mining practices	1	Continuing							No costs - carried out by in-country resource/regulating agencies

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
1.2 Protect & manage nesting habitat (*cont.*)	1.2.3 Develop, evaluate natural beach-landscaping guidelines	2	5 years	FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS		10	10	10	10	
	1.2.4 Ensure replenishment projects maintain quality habitat	3	NA	COE, FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS, NMFS						
	1.2.5 Implement non-mechanical beach cleaning alternatives	NA	NA							
	1.2.6 Prevent vehicular driving on nesting beaches	3	Continuing	FWS, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS						No costs - carried out by in-country resource/regulating agencies

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
2.1 Protect & manage populations in marine habitat **2.1.1** Eliminate directed take of turtles	2.1.1.1 Reduce directed take through education, information	1	Continuing	FWS, NMFS, U.S.West Coast, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, DOS						Costs included in Task 1.1.1.1
	2.1.1.2 Increase/maintain enforcement reduce exploitation	1	Continuing	FWS, NMFS, USCG, DOS	25	100	100	100	100	Costs duplicative of Task 2.1.1.2 in green turtle plan
2.1 Protect & manage populations in marine habitat (*cont.*) **2.1.2** Determine distribution, abundance, status	2.1.2.1 Determine distribution, abundance posthatchlings, juveniles, adults	1	20 years	NMFS, FWS	30	100	100	100	100	Costs duplicative of Task 2.1.1.2 in green turtle plan
	2.1.2.2 Determine adult migration, internesting habitats	1	5 years				100	150	150	
	2.1.2.3 Determine growth rates, survivorship, age sexual maturity	1	10 years				300	100	100	

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
2.1 Protect & manage populations in marine habitat (*cont.*) **2.1.2** Determine distribution, abundance, status *(cont.)*	2.1.2.4 Identify current threats adults, juveniles on foraging grounds	1	5 years	NMFS, FWS	50	50	50	50	50	
2.1 Protect & manage populations in marine habitat (*cont.*) **2.1.3** Reduce effects of entanglement & ingestion marine debris	2.1.3.1 Evaluate extent ingestion of persistent debris & entanglement	2	Continuing	NMFS, EPA, FWS		10	10	10	10	
	2.1.3.2 Evaluate effects ingestion persistent debris & entanglement	2	3 years				100	100	100	
	2.1.3.3 Reduce, eliminate persistent debris & entanglement	2	Continuing	NMFS, EPA, USCG						No additional costs. Part of program activities

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
2.1 Protect & manage populations in marine habitat (*cont.*)	2.1.4 Monitor, reduce incidental mortality in commercial, recreational fisheries	2	Continuing	NMFS,U.S. West Coast, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories		40	40	40	40	
	2.1.5 Eliminate harassment of turtles at sea/ education/ enforcement	2	Continuing	NMFS,U.S. West Coast, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories, FWS (as appropriate to beach habitat)	30	30	30	30	30	Costs duplicative of Tasks 2.1.5 in green turtle plan
	2.1.6 Study the impact of diseases on turtles	3	Continuing							
	2.1.6.1 Investigate parasites and other infectious agents	3	Continuing							Tasks will be pursued if population studies indicate diseased or sick turtles
	2.1.7 Develop/ maintain carcass stranding network	2	Continuing	NMFS, FWS	5	5	5	5	5	Includes all sea turtle species

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
2.1 Protect & manage populations in marine habitat (*cont.*)	2.1.8 Centralize tagging program and tag-series records	1	Continuing	NMFS, FWS		60	60	60	60	Total funds for all species
2.2 Protect & manage marine habitat	2.2.1 Identify important habitat	1	20 years	NMFS, FWS, U.S. West Coast, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories						Should be coordinated with Tasks 2.1.2.1. & 2.1.2.2. Funds included in these tasks
	2.2.2 Ensure long-term protection	1	Continuing							Part of ongoing program activities
	2.2.3 Assess & prevent degradation or destruction of reefs by boating, diving activities	1	Continuing	NMFS, FWS, DOS						Part of ongoing program activities
	2.2.4 Prevent degradation reefs by pollution	1	Continuing	NMFS, EPA, USCG, DOS						Part of ongoing program activities

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
2.2 Protect & manage marine habitat (*cont.*)	2.2.5 Prevent degradation or destruction of reefs by dredge or disposal	1	Continuing	COE, NMFS, DOS						Part of ongoing program activities
	2.2.6 Prevent degradation or destruction by coastal erosion, siltation	1	Continuing	FWS, EPA, NRCS, DOS						Part of ongoing program activities
	2.2.7 Prevent degradation or destruction of reefs by blasting	1	Continuing	NMFS, COE, USN, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories						Part of ongoing program activities
	2.2.8 Prevent degradation of reefs by oil transshipment	2	Continuing	USCG, NMFS, EPA						Part of ongoing program activities
	2.2.9 Identify other threats, take action	2	Continuing	NMFS, EPA, USCG						Part of ongoing program activities
3 Ensure proper care in captivity	3.1 Develop captive standards	3	2 year	NMFS, FWS		35	15			

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

IMPLEMENTATION SCHEDULE/U.S. PACIFIC Hawksbill (*Eretmochelys imbricata*)										
General Task Categories	Plan Task	Priority[A]	Task Duration	Agencies Responsible[B]	Estimated Fiscal Year Costs $ K					Comments/ Notes
					Current	FY2	FY3	FY4	FY5	
3 Ensure proper care in captivity (*cont.*)	3.2 Catalog captive turtles for research, education	3	2 year	NMFS, FWS		10	10			* Includes all sea turtle species
	3.3 Designate rehab facilities	3	1 year				25			* Includes all sea turtle species
4 International cooperation	4.1 Support agreements, conventions, protect in foreign water	1	Continuing	FWS, NMFS, DOS, DOI, DOC		100	100	100	100	*This includes all sea turtle species and Task 4.2 & 4.3
	4.2 CITES membership, compliance	1	Continuing							
	4.3 Develop new agreements to protect in foreign waters	1	Continuing	NMFS, DOS, DOI, DOC						
	4.4 Display information at airports	2	5 years	FWS, NMFS, West Coast USA, Hawaii, American Samoa, Guam, Palau, CNMI, RMI, FSM, Unincorp. Territories		15	15	15	15	Includes all species

[A] ( ) parentheses denote that this task does not necessarily apply to U.S. jurisdiction, but that the task must be addressed if the U.S. populations are to be restored. Such tasks may require U.S. resource agencies to support recovery tasks in other political jurisdictions.

[B] The lead agency is listed first .

Recovery Plan Implementation Schedule for *Hibiscadelphus distans*

April, 1996

PRIOR-ITY #	TASK #	TASK DESCRIPTION	TASK DURA-TION (YRS)	RESPONSIBLE PARTY	TOTAL COST	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY2003	FY 2004	FY2005	FY2006	FY2007
1	1111	Maintain exclosures.	O	DOFAW*	110	5	5	5	10	5	5	5	5	5	5	5	10
				FWES	56	2	2	2	10	2	2	2	2	2	2	2	10
1	1112	Improve methods and control feral goats.	O	DOFAW*	165	6	15	15	15	15	15	6	6	6	6	6	6
				FWES	135	4	15	15	15	15	15	4	4	4	4	4	4
1	112	Control erosion and landslides.	O	DOFAW*	46	5	5	2	2	2	2	2	2	2	2	2	2
				FWES	40	2	2	2	2	2	2	2	2	2	2	2	2
1	113	Improve methods and control alien plants.	O	DOFAW*	152	5	12	11	11	11	11	11	11	11	11	11	4
				FWES	134	5	12	10	10	10	10	10	10	10	10	10	3
				NBS	100	0	10	10	10	10	10	10	10	10	10	10	0
1	114	Improve methods and control insect predators.	C	DOFAW*	81	1.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.5
				FWES	80.5	1	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.5
				NBS	100	0	10	10	10	10	10	10	10	10	10	10	0
1	115	Develop and implement disease monitoring protocol.	C	DOFAW*	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
				FWES	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
				NBS	50	0	5	5	5	5	5	5	5	5	5	5	0
1	116	Control and minimize human disturbance.	C	DOFAW*	40	2	2	2	2	2	2	2	2	2	2	2	2
				FWES	40	2	2	2	2	2	2	2	2	2	2	2	2
1	12	Conduct surveys.	2	DOFAW*	20		10	10									
				FWES	20		10	10									
				NTBG	4		2	2									
1	13	Protect and manage new populations.	C	DOFAW*	208			51.5	31.5	30	10	10	10	10	5	5	5
				FWES	134			40.5	20.5	20	5	5	5	5	3	3	3
	NEED 1 (Protect and stabilize)				1735.5	41.5	135	221	172	157	122	102	102	102	95	95	55

Recovery Plan Implementation Schedule for *Hibiscadelphus distans*

April, 1996

PRIOR-ITY #	TASK #	TASK DESCRIPTION	TASK DURA-TION (YRS)	RESPONSIBLE PARTY	TOTAL COST	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY2003	FY 2004	FY2005	FY2006	FY2007
1	21	Evaluate genetic diversity and select stock for augmenting/establishing.	5	DOFAW*	43	13	13	13	2	2							
				FWES	23	7	7	7	1	1							
				NTBG	23	7	7	7	1	1							
1	22	Determine appropriate introduction techniques.	5	DOFAW*	14	3	3	3	3	2							
				FWES	9	2	2	2	2	1							
				NTBG	9	2	2	2	2	1							
1	23	Propagate seedlings for outplanting.	15	DOFAW*	45	3	3	3	3	3	3	3	3	3	3	3	3
				FWES	30	2	2	2	2	2	2	2	2	2	2	2	2
				NTBG	30	2	2	2	2	2	2	2	2	2	2	2	2
1	24	Augment existing populations.	10	DOFAW*	5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5		
				FWES	5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5		
				NTBG	2.5	0.5	0.5	0.5	0.5	0.5							
1	25	Locate habitat for two additional populations.	2	DOFAW*	6			3	3								
				FWES	6			3	3								
				NTBG	1			0.5	0.5								
1	26	Protect and manage new sites.	3	DOFAW*	33					11.5	11.5	10					
				FWES	33					11.5	11.5	10					
1	27	Establish new populations through outplanting.	10	DOFAW*	0					TBD							
				FWES	0					TBD							
				NTBG	0					TBD							
1	28	Control threats to the new populations.	C	DOFAW*	0						TBD						
				FWES	0						TBD						
		NEED 2 (Increase and diversify populations)			317.5	42.5	42.5	49	26	39.5	31	28	8	8	8	7	7

Recovery Plan Implementation Schedule for *Hibiscadelphus distans*

April, 1996

PRIOR-ITY #	TASK #	TASK DESCRIPTION	TASK DURA-TION (YRS)	RESPONSIBLE PARTY	TOTAL COST	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY2003	FY 2004	FY2005	FY2006	FY2007
2	31	Investigate the ecology of *Hibiscadelphus distans.*	10	NBS*	100		10	10	10	10	10	10	10	10	10	10	
				FWES	70		7	7	7	7	7	7	7	7	7	7	
				DOFAW	70		7	7	7	7	7	7	7	7	7	7	
2	32	Determine the effects of introduced birds.	10	NBS*	100		10	10	10	10	10	10	10	10	10	10	
				FWES	50		5	5	5	5	5	5	5	5	5	5	
				DOFAW	50		5	5	5	5	5	5	5	5	5	5	
2	41	Map, tag, and monitor all wild plants.	C	DOFAW*	40	2	2	2	2	2	2	2	2	2	2	2	2
				FWES	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
2	42	Map, tag, and monitor all transplants.	C	DOFAW*	40	2	2	2	2	2	2	2	2	2	2	2	2
				FWES	10	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
		NEED 3 (Conduct research and monitor)			540	5	49	49	49	49	49	49	49	49	49	49	5
3	51	Determine number of populations and individuals needed for survival.	3	FWES*	60										20	20	20
				NBS	30										10	10	10
				DOFAW	30										10	10	10
3	52	Revise recovery objectives, if necessary.	1	FWES*	0												
				DOFAW	0												
		Need 4 (Validate recovery objectives)			120												
		TOTAL COST			2713	89	226.5	319	247	245.5	202	179	159	159	152	151	67

Appendix R.

Peer Review Documents

Sample Peer Review Letter
Notes on Peer Reviews
Peer Review Checklist

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:
FWS/AES-TE

AUG - 8 2002

Dr. Abby Powell
Alaska Cooperative Fish and Wildlife Research Unit
209 Irving 1 Building
University of Alaska at Fairbanks
Fairbanks, Alaska 99775-7020

Dear Dr. Powell:

Enclosed is the Piping Plover (*Charadrius melodus*) Great Lakes Population Draft Recovery Plan. Based on your expertise and experience, the U.S. Fish and Wildlife Service (Service) is seeking your scientific review of this document in terms of (1) issues and assumptions relating to the biological and ecological information of the plan, and (2) scientific data relating to the tasks in the proposed recovery program. I recognize that your time may be limited; accordingly, while I certainly invite you to review the entire plan, in lieu of a comprehensive review I ask that you focus your attention on a few specific questions that are particularly germane to the recovery of this species:

Do you have any comments or concerns regarding the proposed recovery criteria?

Do the task priorities presented in the plan's Implementation Schedule reflect a biologically sound conservation approach for Piping Plover recovery?

Are the proposed monitoring and management tasks appropriate and sufficient?

Are there other recovery actions which have not been included in the plan?

The Service appreciates any time you can give to this plan review, and we will be most interested in any comments you can provide. Your comments will assist the Service in making recovery decisions based upon the best scientific and commercial data available (as required by the Endangered Species Act of 1973, as amended) for this species.

The draft Piping Plover Great Lakes Population Recovery Plan is being sent out concurrently for review by Federal and state agencies and the interested public. The public comment period for the Service's *Federal Register* draft plan notice of availability closes September 4, 2002, at which time we will consider the comments we have received for the final plan.

Please forward your comments to Mr. Jack Dingledine, U.S. Fish and Wildlife Service, Ecological Services Field Office, 2651 Coolidge Road, Suite 101, East Lansing, Michigan 48823, by the close of the comment period. If you have any questions related to this review, you may contact Mr. Dingledine at 517-351-6320.

Sincerely,

Marvin E. Moriarty
Acting Regional Director

Enclosure

SAMPLE PEER REVIEW LETTER -

In Reply Refer To:
FWS/Region 5/ES-TE

Dr. Ted Bradley
George Mason University
Department of Biology
Fairfax, Virginia 22030-4444

Dear Dr. Bradley:

Enclosed is a Sensitive Joint-Vetch (*Aeschynomene virginica*) Draft Recovery Plan. The U.S. Fish and Wildlife Service seeks your scientific review of this document, to assist us in making recovery decisions based upon the best scientific and commercial data available in accordance with the Endangered Species Act of 1973. We request that you direct your review to two key aspects of the plan: (1) issues and assumptions relating to the biological information in the plan's Introduction, and (2) scientific data regarding the proposed recovery activities in the plan's Recovery section.

In addition to seeking independent scientific review, we are distributing this draft recovery plan to Federal and State agencies and the interested public for their review. The review period will end on December 2, 1994, at which time we will incorporate comments we have received into a final plan, which is anticipated for approval in mid-1995.

We appreciate any time you can give to reviewing the plan, and we will be most interested in any comments you provide. Please forward your comments to Ms. Cindy Schulz of our Virginia Field Office, Mid-County Center, U.S. Route 17, P.O. Box 480, White Marsh, Virginia 23183. If you have any questions, you may contact her at 804-693-6694.

Sincerely,

Endangered Species Coordinator

Enclosure

Notes on Peer Review

Broad scope of review: Meffe et al. (1998) identify "demonstrated competence in the subject" as an important qualification of an "independent reviewer." Recovery plans, however, commonly integrate analyses ranging from assessment of specific threats to a species, to the role of demographic factors on population viability, to reserve design. Given this array of scientific questions, it is often a formidable challenge to find individual scientists who can respond to all salient issues in a recovery plan. Multiple-species plans compound the complexities of review.

Along this same line, a challenge to peer review of some recovery plans is their length: recovery plans may exceed 100 pages, and some are much longer. In addition, many plans include a great deal of nonscientific legal and policy language.

In seeking more focused reviews, a number of considerations come into play. Any perception that the FWS & NMFS' are compromising reviewer independence must be avoided; separate reviews for a multiplicity of issues require close coordination; and identifying separate reviewers for specific issues may intensify the fundamental challenge of recruiting independent reviewers when many experts are already engaged in recovery planning activities.

Maintaining high information standards in the face of scientific uncertainties: Although recovery actions involve principles common to a wider range of scientific work, an awareness of the legal and administrative requirements that circumscribe recovery planning is critical to providing useful reviews. Peer review in this context not only requires careful evaluation of existing data, it also entails consideration of major scientific uncertainties (NRC 1995).

Most scientists appreciate the implications of Type I versus Type II errors in evaluation of scientific data but may not be as well versed in the legal imperative of making decisions and taking actions that often involve large uncertainties. This may lead scientists and other experts to the cautious conclusion that, for instance, not enough information is available to either support or oppose a recovery recommendation. The ESA, however, does not give agencies the latitude to delay such determinations nor does it relieve them from fully justifying a decision based on the best available information; for instance, the ESA requires that recovery plans include objective, measurable recovery criteria regardless of the level of available scientific information.

Those experts who work directly with Service biologists (e.g., on recovery teams) are afforded opportunities to understand the intricacies of the law and its application to a particular species. Independent reviewers, by definition, lack this interaction, although some may have ESA experience through involvement with other species. Lack of familiarity with ESA requirements may give rise to otherwise perceptive comments that are "outside the scope of agency discretion"-- a counterproductive effort for both the reviewer and the agency.

One aspect of this problem deserves special consideration. Reviewers, particularly active researchers, are often predisposed to offer recommendations regarding study needs for the subject species.

Although these insights are often highly germane to species conservation, it is important that they be clearly distinguished from any evaluation as to whether the best available data have been appropriately considered in the listing or planning process.

Time and funding constraints: Policy requirements constrain the allotted time and other logistics of independent reviews. Recovery planning does not have legally mandated deadlines, but Departmental policy (FWS-NMFS 1994b) requires completion of most recovery plans within 2.5 years following listing.

Within this time, independent peer review must be conducted concurrently with the public comment period mandated by the ESA, with a minimum comment period of 30 days for draft recovery plans. Although comment periods can be extended and/or short review periods can be ameliorated somewhat by narrowing the topics for review, the problem is intractable to the extent that knowledgeable reviewers often bear heavy time commitments. On the other hand, it is inherently illogical to provide a leisurely schedule for review of documents pertaining to the protection of imperiled species.

Monetary compensation has been suggested as a means to assure timely and responsive independent peer review (e.g., Meffe et al.1998); however, agency funding for peer review could further strap endangered species budgets. Furthermore, monetary compensation to reviewers may create perceived conflicts of interest.

Use of interim reviews: Meffe et al. (1998) make the point that peer review is most constructive when it is fully integrated into the decision making process. This typically takes the form of early, informal reviews conducted "before positions become set and considerable time and effort are invested in elaborating plans;" Departmental policy supports this approach under the rubric of "special reviews" (FWS-NMFS 1994a). Intermediate reviews are especially valuable when decisions build upon each other. A population viability analysis, for example, may underpin recovery targets that, in turn, become fundamental to reserve design.

Interim peer reviews are a challenge to implement, however, in the time frame set out by policy for recovery planning. It may also be problematic to impose on busy scientists for repeated reviews, and lack of timely response to past requests for independent review of draft plans may pose a disincentive to expand the number of reviews.

PEER REVIEW CHECKLIST FOR CONDUCTING A PEER REVIEW

Instructions: This checklist is based on the Agency's Peer Review Handbook and the October 2000 Region 5 Order "U.S. EPA Region 5 Improved Policies and Procedures: Peer Review, Records Management, and Work Product Authorization of Scientific and Technical Work Products" which constitute Region 5's standard operating procedures for peer review. If you have any questions about peer review or need clarification when completing this checklist, please refer to the Handbook, available via the internet at http://www.epa.gov/ord/spc/2peerrev.htm. Pages 2-4 of the Handbook contain useful flowcharts and cross references to specific sections of the Handbook that are applicable to this checklist. You are also encouraged to consult with your Division or Office Peer Review Coordinator. The Division/Office Peer Review Coordinators will periodically request information from this checklist in order to update the National Peer Review Database.

1. **Title of Work Product:**_____

2. **Product Description:**_____

3. **Project Manager:** _____
   Name, Organization and Phone Number

4. **Up-front Considerations for Planning the Peer Review:**_____ *Check the box when item is completed*
   a) The Div/Office Director has chosen a peer review leader for the project. ☐
      (Note: The project manager and peer review leader can be the same person.)
      Name of Peer Review Leader:_____
      Phone Number:_____
      Organization: _____
   b) The peer review leader has obtained appropriate peer review training before conducting the peer review. ☐
   c) Key questions and issues have been identified to include in the charge to the peer reviewers. ☐
   d) The Div/Office Records Coordinator has been consulted to insure that all the files, including electronic records, will be created, maintained, retained, and disposed of appropriately and in accordance with Div/Office and Agency procedures. ☐
   e) A formal peer review record or file has been established, and provisions have been made to store any electronic records associated with the work product and peer review. ☐
      Location of Record/File: _____
      Provisions for Electronic Records: _____
      _____

Check the box when item is completed or circle the appropriate answer (NA = not applicable)

f) There is a source of adequate funding to pay for external peer review if external peer review is necessary and funding is needed. *(Note: Contracts can be used for peer review services. However, special management controls are required to ensure proper use of these contracts. See Section 3.6 of the Handbook for details.)* ☐ NA

Source of Funding: _____

g) Resource limitations may restrict the peer review. *(If "yes" was selected, a limited peer review might be considered. However, only in very rare circumstances should resource limitations restrict peer review. Peer review must be planned for as part of a project's budget.)* Yes No

h) Amount of time needed for peer review(s) has been allotted given existing constraints of potential peer reviewers, deadline for the final work product, logistics for the peer review, etc. ☐

Length of Time Needed: _____

5. Develop the Charge to the Peer Reviewers:

a) A clear, focused charge has been formulated that identifies recognized issues, asks specific questions, and invites comments or assistance. ☐

b) The charge has been included in the peer review record. ☐

6. Select the Peer Review Mechanism:

a) The work product is novel, complex, controversial, or has great cost implications. *(If the answer is "yes" to any of the above, serious thought should be given to conducting an external peer review. If the answer is "no" to all of the above, internal peer review is probably sufficient.)* Yes No

b) A determination has been made regarding which components or stages of the work product will be peer reviewed. *(Note: Generally, peer review is recommended for each stage of a product's development.)* ☐

Components to be peer reviewed: _____

_____

c) A peer review mechanism (e.g., internal, external or a combination of both) has been chosen for the work product or stages of the work product. Mechanism: _____ ☐

d) The work product either: 1) has been, or is being, generated as part of administrative or civil enforcement activities by U.S. EPA, or 2) likely will be used in the future to support administrative or civil enforcement activities by U.S. EPA. *(If the answer is "yes" to either item above, then the Office of Regional Council (ORC) must be consulted if the Peer Review Leader believes an external peer review is needed or is preferable. ORC concurrence should be obtained.)* Yes No

Check the box when item is completed, or circle yes or no

e) The work product is going to be peer reviewed via a refereed, scientific journal. *(If the answer is "yes," the work product still should be considered for peer review because journal peer review may not cover issues and concerns that the Agency would want peer reviewed in order to support an Agency action.)* Yes No

f) Logistics for conducting the peer review (e.g., written comments will be received by mail, or will be collected at a meeting) have been included in the peer review record. ☐

g) The Div/Off Director has concurred with the recommended method of peer review. ☐
Date of Div/Off Director Concurrence: _____

h) The concurrence of the Div/Off Director has been included in the peer review record. ☐

7. **Determine the Specific Time Line for the Peer Review:**

a) A start date for the peer review has been selected. ☐
Start Date:_____

b) The amount of time the peer reviewers will be given to conduct the peer review has been determined. ☐
Number of Days for Review: _____

c) A due date for comments from the reviewers has been selected. ☐
Due Date: _____

d) The amount of time necessary to incorporate comments from the peer reviewers into the work product has been determined. ☐
Number of Days for Revision: _____

e) A deadline for final completion of the work product has been determined. ☐
Due Date:_____

8. **Select the Peer Reviewers:**

a) Advice was sought in developing a list of potential peer reviewer candidates who are independent of the work product and have appropriate scientific and technical expertise. ☐

b) The expertise required for the peer review has been determined. ☐

c) In reviewing the candidates, a balance and a broad enough spectrum of expertise were considered. ☐

d) In reviewing the candidates, any potential conflicts of interest were considered. ☐

Check the box when item is completed

e) The peer reviewers have been selected and the process for selecting the reviewers, including inquiries and resolution of potential conflicts of interest, has been documented and included in the peer review record/file. *(Note: Conflict of Interest Inquiry Forms are available from the Regional and Div/Off Peer Review Coordinators.)* ☐

9. Obtain and Transmit Materials for Peer Review:

a) Instructions have been given to the peer reviewers which ask for written comments in a specified format by the specified deadline that are responsive to the charge. ☐

b) The peer reviewers have been provided with the essential documents, data, and information to conduct their review. ☐

Date Peer Reviewers Given Charge/Materials:_____

c) The peer reviewers have been instructed not to disclose draft work products to the public. ☐

d) The peer review record/file contains all the materials given to the peer reviewers. ☐

10. Conduct the Peer Review:

a) Written comments have been received from all peer reviewers. ☐

Date all comments were received: _____

b) All clarification or additional information necessary from the peer reviewers is received. ☐

c) The validity and objectivity of the comments have been evaluated. ☐

d) Appropriate experts/staff/managers have been consulted on the potential impacts of the comments on the final work product, the project schedule, and budget. ☐

e) The peer review comments have been included in the peer review record/file. ☐

11. Consider the Peer Review Comments:

a) Decisions have been made regarding which comments are accepted and will be incorporated into the final work product, and which comments will not be incorporated. ☐

b) A memo or other written record has been prepared which responds to the peer review comments and specifies acceptance or, where thought appropriate, rebuttal and non-acceptance. ☐

c) The Div/Off Director has concurred with the decisions and written record on how to incorporate the peer reviewers comments in the work product and on which comments will not be incorporated. ☐

Date of Div/Off Director concurrence: _____

Check the box when item is completed, or circle yes or no

d) The concurrence of the Div/Off Director has been included in the peer review record/file. ☐

e) The memo or written record documenting how comments were handled and how the work product was revised has been included in the peer review record/file. ☐

f) The work product has been revised to incorporate the acceptable comments. ☐

g) The peer review performed during the process of developing the work product has been summarized and included in the work product. ☐

h) It is necessary to send the revised work product back to the peer reviewers. *(If the answer is "yes," proceed to item #11i. If the answer is no, proceed to item #12.)* Yes No

i) Additional comments are received, evaluated, and incorporated into the work product, and placed in the peer review record. ☐

12. Consider Other Comments:

a) Prior to finalization, the document needs additional intemal and/or external programmatic review. *(If the answer is "yes," go to #12b. If the answer is "no," proceed to #13.)* Yes No

b) Written comments by programmatic reviewers have been received. ☐

c) Final decisions have been made regarding which comments are accepted and will be incorporated into the final work product, and which ones will not be incorporated. ☐

d) A memo or other written record has been prepared which responds to the programmatic review comments and specifies acceptance or, where thought appropriate, rebuttal and non-acceptance. ☐

e) Div/Off Director has concurred with the decisions and written record on how to incorporate the programmatic comments. ☐
Date of Div/Off Director concurrence: _____

f) The memo or written record has been included in the peer review record/file. ☐

g) The work product has been revised to incorporate the acceptable programmatic comments. ☐

13. Finalize Work Product and Close Out Peer Review:

a) The work product has been completed. ☐

b) The Div/Off Director has approved the work product. ☐
Date of Div/Off Director Approval: _____

c) The Div/Off Director approval has been included in the peer review record/file. ☐

Check the box when item is completed, or circle yes or no

d) The Div/Off Director has judged the work product to be sufficiently controversial, of significant enough interest to outside parties, or of wide enough distribution, such that it should also be authorized by the Regional Administrator (RA), or the Deputy RA (DRA). *(If the answer is "yes," proceed to #13e. If the answer is "no," proceed to #13f.)* Yes No

e) The RA or DRA has authorized the work product. ☐
Date of RA or DRA Authorization: _____

f) The final work product has been included in the peer review record/file. ☐

14. Publication and Release of Reports:

a) The Div/Off Director has approved publication or release of the work product. ☐

b) The written approval by the Div/Off Director has been included in the peer review record/file. ☐

c) The Div/Off Director has judged the work product to be sufficiently controversial, of significant enough interest to outside parties or of wide enough distribution, such that its distribution or release should also be authorized by the RA or DRA. *If the answer is "yes," proceed to #14d. If the answer is "no," proceed to #15. (Note: The Div/Off Director's decision to elevate to the RA or DRA can be made concurrently with item #13d.)* Yes No

d) The RA or DRA has authorized distribution or release of the work product. ☐
Date of RA or DRA Authorization: _____

15. Retention of Peer Review Files and Records:

a) The Div/Off official procedures for administrative records and the Agency's record retention schedules have been examined to determine how long the peer review record/file, including electronic records, should be retained. *(Note: The required time of retention for final reports and supporting data varies depending upon the nature of the report, however, final reports which are mission related or have an EPA number and receive external distribution are generally permanent federal records.)* ☐

b) The Div/Off Records Officer or the Regional Records Officer has been consulted to help determine how long the peer review record/file, including electronic records, should be retained. ☐

Check the box when item is completed

c) A location for the completed peer review record/file has been identified, and provisions have been made to retain electronic records associated with the work product and peer review. ☐
(Note: This can be the same location and provisions as identified in #4e.)
Location of Record/File: _____
Provisions for Electronic Records: _____
_____

d) Someone has been assigned the responsibility for maintaining the record/file and electronic records, and ensuring that they are either archived or destroyed appropriately. *(Note: This can be the same person as identified in #4a.)* ☐
Contact Name and Phone No: _____
Organization: _____

16. Closeout of Checklist:

a) Items #1-15 of checklist have been completed. ☐

_____
Signature of Peer Review Leader and Date Signed

b) A copy of the completed checklist has been given to the Div/Off Peer Review Coordinator. ☐

_____
Signature of Div/Off Peer Review Coordinator and Date Signed

c) The completed checklist has been included in official peer review record/file. ☐

d) The work product has been moved from Peer Review Work Product List B to List A in the National Peer Review Database. ☐
Date Product moved to List A: _____

Appendix S.

NMFS and FWS Listing Priority Guidelines

6/15/90

National Oceanic and Atmospheric Administration

[Docket No. 71015-0067]

Endangered and Threatened Species; Listing and Recovery Priority Guidelines

AGENCY: National Marine Fisheries Service (NOAA Fisheries), NOAA, Commerce.

ACTION: Notice.

SUMMARY: NOAA Fisheries issues guidelines for assigning priorities to species for listing, delisting, and reclassification as endangered and threatened under the Endangered Species Act of 1973 (Act) and for developing and implementing recovery plans for species that are listed under the Act.

FOR FURTHER INFORMATION CONTACT: Patricia Montanio, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Silver Spring, MD 20910, (301/427-2322).

SUPPLEMENTARY INFORMATION:

Background

For those species under the jurisdiction of the Secretary of Commerce, section 4(a) of the Act requires NOAA Fisheries to determine whether any species of wildlife or plant should be: (1) Listed as an endangered or threatened species (listing); (2) changed in status from threatened to endangered or changed in status from endangered to threatened (reclassification); or (3) removed from the list (delisting). Section 4(h) of the Act requires that NOAA Fisheries establish agency guidelines which include a priority ranking system for listing, reclassification, or delisting.

Section 4(f) of the Act requires NOAA Fisheries to develop and implement recovery plans for the conservation and survival of all endangered or threatened species, unless such a plan will not promote the conservation of the species. In general, listed species which occur entirely outside U.S. jurisdiction are not likely to benefit from recovery plans. Foreign species are more likely to benefit from bilateral or multilateral agreements under section 8 of the Act and other forms of international cooperative efforts. Section 4(f) of the Act also requires NOAA Fisheries to give priority to those endangered or threatened species (without regard to taxonomic classification) most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other developmental projects or other forms of economic activity. Section 4(h) of the Act requires that NOAA Fisheries establish a system for developing and implementing recovery plans on a priority basis.

The assignment of priorities to listing, reclassification, delisting, and recovery actions will allow NOAA Fisheries to use the limited resources available to implement the Act in the most effective way. On May 30, 1989, NOAA Fisheries published proposed guidelines in the **Federal Register** (54 FR 22925) and requested comments. No comments were received from the public. NOAA Fisheries issues these final guidelines with only slight modifications from the proposal based on internal reviews.

These guidelines are based primarily on guidelines published by the U.S. Fish and Wildlife Service (FWS) on September 21, 1983 (48 FR 43098). NOAA Fisheries believes that, to the extent practical, both agencies should follow similar priority guidelines for listing, reclassification, delisting and recovery. To the extent possible, NOAA Fisheries has adopted the priority guidelines in use by FWS. However, due to the smaller number of listed species and the anticipated smaller number of candidate species under NOAA Fisheries jurisdiction, NOAA Fisheries believes that fewer priority categories are necessary and the FWS guidelines have been modified accordingly.

These priority systems are guidelines and should not be interpreted as inflexible frameworks for making final decisions on funding or on performance of tasks. They will be given considerable weight by the agency in making decisions; however, the agency will also evaluate the cost-effectiveness of funding and tasks and take advantage of opportunities. For example, the agency may be able to conduct a relatively low priority item in conjunction with an ongoing activity at little cost.

A. Listing, Reclassification, and Delisting Priorities

1. Listing and Reclassification From Threatened to Endangered

In considering species to be listed or reclassified from threatened to

endangered, two criteria will be evaluated to establish four priority categories as shown in Table 1.

TABLE 1.—PRIORITIES FOR LISTING OR RECLASSIFICATION FROM THREATENED TO ENDANGERED

Magnitude of threat	Immediacy of threat	Priority
High	Imminent	1
	Non-Imminent	2
Low to Moderate	Imminent	3
	Non-Imminent	4

The first criterion, magnitude of threat, gives a higher listing priority to species facing the greatest threats to their continued existence. Species facing threats of low to moderate magnitude will be given a lower priority. The second criterion, immediacy of threat, gives a higher listing priority to species facing actual threats than to those species facing threats to which they are intrinsically vulnerable, but which are not currently active.

2. Delisting and Reclassification From Endangered to Threatened

NOAA Fisheries currently reviews listed species at least every five years in accordance with section 4(c)(2) of the Act to determine whether any listed species qualify for reclassification or removal from the list. When a species warrants reclassification or delisting, priority for developing regulations will be assigned according to the guidelines given in Table 2. Two criteria will be evaluated to establish six priority categories.

TABLE 2.—PRIORITIES FOR DELISTING AND RECLASSIFICATION FROM ENDANGERED TO THREATENED

Management impact	Petition status	Priority
High	Petitioned action	1
	Unpetitioned action.	2
Moderate	Petitioned action	3
	Unpetitioned action.	4
Low	Petitioned action	5
	Unpetitioned action.	6

The priorities established in Table 2 are not intended to direct or mandate decisions regarding a species' reclassification or removal from the list. The priority system is intended only to set priorities for developing rules for species that no longer satisfy the listing criteria for their particular designation under the Act. The decision regarding whether a species will be retained on the list, and in which category, will be based on the factors contained in section 4(a)(1) of the Act and 50 CFR 424.11.

The first consideration of the system outlined in Table 2 accounts for the management impact entailed by a species' inclusion on the list. Management impact is the extent of protective actions, including restrictions on human activities, which must be taken to protect and recover a listed species. If the current listing is no longer accurate, continuing protective management actions could divert resources from species more in need of conservation and recovery efforts, or impose an unnecessary restriction on the public. Because the Act mandates timely response to petitions, the system also considers whether NOAA Fisheries has been petitioned to remove a species from the list or to reclassify a species from endangered to threatened. Higher priority will be given to petitioned actions than to unpetitioned actions that are classified at the same level of management impact.

There is no direct relationship between the systems outlined in Tables 1 and 2. Although the same statutory criteria apply in making listing and delisting determinations, the considerations for setting listing and delisting priorities are quite different. Candidate species facing immediate, critical threats will be given a higher priority for listing than species being considered for delisting. Likewise, a delisting proposal for a recovered species that would eliminate unwarranted utilization of limited resources may, in appropriate instances, take precedence over listing proposals for species not facing immediate, critical threats.

B. Recovery Plan Preparation and Implementation Priorities

The recovery priority system will be used as a guide for recovery plan development, recovery task implementation and resource allocation. It consists of two parts—species recovery priority and recovery task priority. Species recovery priority will be used for recovery plan development. Recovery task priority, together with species recovery priority, will be used to set priorities for funding and performance of individual recovery tasks as explained below.

1. Species Recovery Priority

Species recovery priority is based on three criteria—magnitude of threat, recovery potential and conflict. These criteria are arranged in a matrix yielding twelve species recovery priority numbers (Table 3).

TABLE 3.—SPECIES RECOVERY PRIORITY

Magnitude of threat	Recovery potential	Conflict	Priority
High	High	Conflict	1
		No conflict	2
	Low to moderate.	Conflict	3
		No conflict	4
Moderate	~~Low to moderate~~ High	Conflict	5
		No conflict	6
	Low to moderate.	Conflict	7
		No conflict	8
Low	High	Conflict	9
		No conflict	10
	Low to moderate.	Conflict	11
		No conflict	12

The first criterion, magnitude of threat, is divided into three categories: High, moderate, and low. The high category means extinction is almost certain in the immediate future because of a rapid population decline or habitat destruction. Moderate means the species will not face extinction if recovery is temporarily held off, although there is a continuing population decline or threat to its habitat. Taxa in the low category are rare, or are facing a population decline which may be a short-term, self-correcting fluctuation, or the impacts of threats to the species' habitat are not fully known.

The second criterion, recovery potential, assures that resources are used in the most cost effective manner within each magnitude of threat ranking. Priority for preparing and implementing recovery plans would go to species with the greatest potential for success. Recovery potential is based on how well biological and ecological limiting factors and threats to the species' existence are understood, and the extent of management actions needed. A species has a high recovery potential if the limiting factors and threats to the species are well understood and the needed management actions are known and have a high probability of success. A species has a low to moderate recovery potential if the limiting factors or threats to the species are poorly understood or if the needed management actions are not known, are cost-prohibitive or are experimental with an uncertain probability of success.

The third criterion, conflict, reflects the Act's requirement that recovery priority be given to those species that are, or may be, in conflict with construction or other developmental projects or other forms of economic

activity. Thus, species judged as being in conflict with such activities will be given higher priority for recovery plan development and implementation than non-conflict species within the same magnitude of threat/recovery potential ranking. Species in conflict with construction or other developmental projects or other forms of economic activity would be identified in large part through consultations conducted with Federal agencies under section 7 of the Act.

2. Recovery Task Priority

Recovery plans will identify specific tasks that are needed for the recovery of a listed species. NOAA Fisheries will assign tasks priorities of 1 to 3 based on the criteria set forth in Table 4.

TABLE 4.—RECOVERY TASK PRIORITY.

Priority	Type of task
1	An action that must be taken to prevent extinction or to identify those actions necessary to prevent extinction.
2	An action that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts short of extinction.
3	All other actions necessary to provide for full recovery of the species.

It should be noted that even the highest priority tasks within a plan are not given a Priority 1 ranking unless they are actions necessary to prevent a species from becoming extinct or to identify those actions necessary to prevent extinction. Therefore, some plans will not have any Priority 1 tasks. In general, Priority 1 tasks only apply to a species facing a high magnitude of threat (species recovery priority 1–4).

When the task priorities (Table 4) are combined with the species recovery priority (Table 3), the most critical activities for each listed species can be identified and evaluated against other species recovery actions. This system recognizes the need to work toward the recovery of all listed species, not simply those facing the highest magnitude of threat. In general, NOAA Fisheries intends that Priority 1 tasks will be addressed before Priority 2 tasks and Priority 2 tasks before Priority 3 tasks. Within each task priority, species recovery priority will be used to further rank tasks. For example, a Priority 1 task for a species with a recovery priority of 4 would rank higher than a priority 2 task for a species with a recovery priority of 1; and, a Priority 1 task for a species with a recovery priority of 2 would rank higher than a Priority 1 task for a species with a recovery priority of 4. For tasks with the same priority ranking, the Assistant Administrator will determine the appropriate allocation of available resources.

C. Recovery Plans

As recovery plans are developed for each species, specific recovery tasks are identified and prioritized according to the criteria discussed above. As new information warrants, these plans, including tasks and priorities, will be reviewed and revised. In addition, funding and implementation of the tasks identified in recovery plans will be tracked in order to aid in effective management of the recovery program.

NOAA Fisheries believes that periodic review and updating of plans and tracking of recovery efforts are important elements of a successful recovery program. Information from tracking and implementing recovery actions and other sources will be used to review plans and revise them as necessary. These and other elements of NOAA's recovery planning process will be discussed in more detail in Recovery Planning Guidelines that the agency is developing.

Classification

The General Counsel of the Department of Commerce certified to the Small Business Administration that these guidelines would not have a significant economic impact on a substantial number of small entities because they do not direct or mandate decisions on a species' listing, reclassification or delisting. Rather, they set up priorities for later decisions as to agency review of species, recovery plan development and recovery task implementation. As a result, a regulatory flexibility analysis was not prepared.

Dated: June 8, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 90-13895 Filed 6-14-90; 8:45 am]

BILLING CODE 3510-22-M

Upon disqualification of the apparent high bidder, the next high bid will be honored.

2. The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the sale would encourage or promote speculation in public lands.

3. All bidss will be either returned, accepted, or rejected within 30 days of the sale date.

4. A right-of-way is reserved for ditches and canals constructed by the authority of the United States under the act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

5. The patent will be subject to road right-of-way held by the county and all other valid existing rights.

6. All minerals will be reserved to the United States.

Detailed information concerning the sale, including the environmental assessment, and the decision document is available for review at the Richfield District Office.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this notice. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: September 12, 1983.

Donald L. Pendleton,

District Manager.

[FR Doc. 83-25677 Filed 9-20-83; 8:45 am]

BILLING CODE 4310-84-M

[W-46102]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Leases

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-46102 for lands in Natrona County, Wyoming has been timely filed and was accompanied by all the required rentals accruing from their respective dates for termination.

The lessees have agreed to new lease terms for rentals and royalties at rates of $10.00 per acre, and 16⅔ percent, royalty, computed on a sliding scale based on average production per well per day.

The lessees have paid the required $500 administrative fee and will reimburse the Department of the cost of this **Federal Register** notice.

The lessees having met all the requirements for reinstatement of the leases as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W-46102 effective August 31, 1979, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 83-25679 Filed 9-20-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered and Threatened Species Listing and Recovery Priority Guidelines

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service has developed guidelines governing the assignment of priorities to species for listing as Endangered and Threatened under the Endangered Species Act of 1973, as amended (Act) and development and implementation of recovery plans for species that are listed under the Act. The guidelines aid in determining how to make the most appropriate use of resources available to implement the Act.

EFFECTIVE DATE: The guidelines are adopted as of September 21, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703/235-2771).

SUPPLEMENTARY INFORMATION:

General

The Service recognizes that it is necessary to assign priorities to listing, delisting, reclassification, and recovery actions in order to make the most appropriate use of the limited resources available to implement the Act. The following priority systems are based on an analysis of such factors as degree and immediacy of threat faced by a species, needs for furhter information, and species' recovery potentials. Inasmuch as such assessments are subjective to some degree, and individual species may not be comparable in terms of all considerations, the priority systems presented must be viewed as guides and should not be looked upon as inflexible frameworks for determining resource allocations. Draft guidelines were published on April 19, 1983 (49 FR 16756). These final guidelines are based on that draft.

Summary of Comments and Recommendations

Comments were received from the following organizations: the Center for Environmental Education (also representing Defenders of Wildlife, Humane Society of the United States, and Natural Resources Defense Council); Chevron U.S.A., Inc.; The Ecological Society of America; Environmental Defense Fund; the law firm of McCarty, Noone and Williams (representing the Colorado River Water Conservation District); Pacific Legal Foundation; Western Timber Association; and Wildlife Legislative Fund of America. Three of the comments expressed general support for the guidelines as proposed, without offering any recommendations for change. Substantive recommendations are addressed below:

Comments on Listing, Delisting, and Reclassification Priorities

Because of the detailed and specific nature of comments on the listing portion of the guidelines, they are addressed individually. The Center for Environmental Education *et al.* (CEE) recommended that the Service emphasize listing of qualified species over delisting of species no longer in need of protection, and also stated that delisting should be undertaken only for species with no present need for protection and unlikely to need such protection in the future. The Service agrees in principal with this comment. It should be recognized, however, that the retention of recovered or extinct species on the lists undermines the overall credibility of the lists, and the Service believes that it is justifiable to devote resources to the removal of such species when they are identified.

CEE also expressed concern that consideration of degree and immediacy of threat be tempered by a consideration of benefit from listing and availability of information. They favored subsuming immediacy within degree of threat and adding the other two considerations as "pragmatic" criteria in the system. The Service continues to believe that separate consideration of immediacy is warranted in order to help ensure that the system is most effective in

forestalling imminent extinctions. Although, as noted by CEE, this may result in listing resources being devoted to species whose recovery would be difficult and costly, such considerations are addressed in the recovery priority system, where recovery potential is expressly considered. Inasmuch as listing is an identification process, it appears to be most appropriate to proceed on a "worst-first" basis and list those species in greatest immediate danger of extinction first. Inclusion of a "benefit from listing" criterion would not, in the opinion of the Service, improve the priority system. The Service believes that all listed species derive some benefit from their identification as Endangered or Threatened. The magnitude of such benefits, however, are often largely unpredictable at the time of listing and would be difficult to quantify within the framework of a simple, workable priority system. The Service also rejects the inclusion of an "availability of information" criterion in the priority system because this seems unnecessary. Availability of information adequate to determine a species' status is necessary before any assessment of the appropriateness of listing can be addressed. To this extent, availability of information is implicit in any priority system that might be adopted, and its statement as an explicit criterion adds little, if anything, to the effectiveness of the system. CEE also expresses concern that, if information were to become available on a group of species in a particular area indicating that some were eligible for listing as Endangered and others as Threatened, the proposed system might preclude listing of all the eligible species in the area. The Service believes that it retains sufficient flexibility under the proposed system to proceed with listings of all the appropriate species in such a situation when this would increase the overall efficiency of the listing process by avoiding duplicative regulations. It should be recognized that the setting of listing priorities is an intermittent, rather than continuous, activity, and that information developed on a species believed to have a high priority may indicate that a lower priority is justified, but that this situation would not necessarily preclude its being listed while the status information was available and current. CEE further takes issue with the proposed system's "taxonomy" criterion, stating:

> It may be true that certain monotypic genera of plants such as the three redwoods that dominate particular ecosystems make an important and irreplaceable contribution to maintenance of the diversity of those ecosystems, but it doesn't follow that subspecies of coyote bush are any more interchangeable or less important in chaparral ecosystems. An ecological preference for preserving monotypic genera of animals makes even less sense. It appears that the California condor, a monotypic genus, may have less ecosystem impact that any of several butterfly subspecies.

The Service believes that the CEE comment confounds two different concepts. Taxonomy is included in the proposed system as a crude reflection of genetic distinctness in an attempt to provide for the preservation of maximum genetic diversity in ecosystems. Genetic distinctness of a taxon, however, may have little bearing on the importance of the taxon's impact on the functioning of the ecosystem to which it belongs. Judging a taxon's functional contribution to its ecosystem is generally much more difficult and does not lend itself to the framework of a simple priority system. The Service recognizes that there are aspects of species' biology, such as this one, that are not appropriately incorporated within the listing priority system, and it is for this reason that the system is not designed to be used in a rigid fashion. The Service has attempted to use the system flexibly so that important biological considerations that fall outside the scope of consideration of the system can figure into particular decisions on an *ad hoc* basis.

The CEE comment further disputes the appropriateness of giving consideration to monotypic genera in setting listing priorities, citing the large number of monotypic genera of hummingbirds and the apparent lack of accompanying genetic diversity in the group. The Service recognizes that the consideration given monotypic genera is only an approximate measure of genetic distinctness and that taxonomic concepts and standards vary among different groups of organisms. Nevertheless, if used with proper understanding of this lack of taxonomic uniformity, the criterion appears to be useful and is retained in the priority system. In practical terms, the Service expects to only rarely have need for the priority categories reflecting monotypic genera, because there are relatively few such taxa among the candidate species now recognized, but believes that such taxa generally reflect a level of genetic distinctiveness worth noting in the system. It should also be recognized that the system only sets *relative* priorities and that this is the lowest order of priority-setting, so that a species would at most move up one level in priority by virtue of its representing a monotypic genus, and species not representing monotypic genera would only rank below monotypic genera facing equally serious and immediate threats.

Finally, the CEE comment cites the 1982 Senate Committee Report on amendments to the Endangered Species Act and its stated preference only for listing species before subspecies and subspecies before populations as justification for deleting consideration for monotypic genera. CEE notes that the importance attached to monotypic genera in the proposed system appears to imply a value of species not provided for in Section 2 of the Act, which refers to "esthetic, ecological, educational, historical, recreational, and scientific" values of species. The Service believes that the Act's provision that species are of educational and scientific value more than adequately justifies the modest consideration proposed to be given monotypic genera, which may represent highly distinct gene-pools deserving of continuing scientific and educational attention.

The Ecological Society of America (ESA) expressed general support for the proposed system, but made several recommendations for changes. ESA recommended that greater emphasis be placed on listing candidate species than on delisting species no longer in need of protection, noting that the possibility of removing a species from the list is always open, whereas extinction may foreclose the option of listing some species. The Service agrees in principal with this comment, as explained below in response to a similar comment from the Environmental Defense Fund.

ESA also observed that the average number of species per genus is generally lower among higher organisms, e.g., mammals and birds, than among various invertebrate groups and plants, because of differing taxonomic concepts and standards. They expressed concern that the consideration afforded monotypic genera in the proposed system could thus work to favor vertebrate species, as in the former system that was expressly rejected by Congress. The Service believes that the benefit of affording consideration to taxonomic distinctness, if the consideration is applied flexibly and with due appreciation of differing taxonomic standards, outweighs any bias that might be introduced into the priority-setting process.

In a related observation, ESA pointed out that there are highly distinct organisms that are nevertheless not placed in monotypic genera, and that the taxonomic criteria contained in the system are inflexible. The Service, as has been pointed out previously, does not view any facet of the system as inflexible, and will reserve the

discretion to assign appropriate priorities to highly distinct and genetically isolated organisms whether or not they constitute monotypic genera.

Finally, ESA requested a clarification of the applicability of the proposed system to unnamed populations. The Act includes populations of vertebrate animals in its definition of "species." Because this portion of the definition applies only to vertebrates, it appears inadvisable to incorporate it formally into the priority system. The Service intends to generally afford vertebrate populations the same consideration as subspecies, but when a candidate subspecies and a candidate population have the same numerical priority, the candidate subspecies will generally have priority.

The Environmental Defense Fund (EDF) expressed concern that too much time might be devoted to setting of species priorities, and that this might detract from actual implementing of listing tasks. The Service agrees that no more time than is necessary should be devoted to the assigning of priorities. Because of this consideration, the Service has deliberately attempted to formulate a system that is simple and that assigns species priorities in a straightforward manner without the need for complex analysis. EDF also expressed concern over the interrelationship of the three systems contained In Tables 1., 2., and 3. As explained below in the summary of comments on the recovery priority system, Tables 1. and 2. are largely independent of Table 3. Further, it is not possible, in the opinion of the Service, to formulate a direct relationship between the systems in Tables 1. and 2. As is explained in the narrative portion of the guidelines, it is anticipated that the need to delist species or reclassify them from Endangered to Threatened will be identified largely through mandated 5-year reviews or through petitions. Once such actions have been identified and assigned priorities, they will be considered for possible action within the Service's annual planning process.

Establishing specific criteria for ranking the priorities of listing proposals versus delisting proposals would take away the flexibility needed by the Service to efficiently apportion its resources. Although the same statutory criteria apply to make the listing and delisting determinations, the factual considerations for setting listing and delisting priorities are quite different. General rules cannot govern this complex mesh of priorities. However, it would generally be found that candidate species facing immediate, critical threats should have priority for listing over competing delisting proposals under consideration at the time. Likewise, a delisting proposal for a recovered species that would eliminate unwarranted restrictions on significant, identifiable activities may, in appropriate instances, take precedence over listing proposals for species not facing severe, imminent threats. In deciding on which proposals will receive priority, the Service must examine the overall "mix" of potential listings and delisting and assess the relative priorities of the various proposals in light of that "mix." Of course, this assessment process will constantly change as new candidate species are brought to the Service's attention and as listed species attain recovery or become extinct.

EDF also recommended that terms used in the proposed system be more precisely defined and, in particular, recommended that the "degree of threat" criterion be quantified in a way that parallels the standards for finding "jeopardy" under Section 7 of the Act. The Service believes that the circumstances applying to most species are individualistic enough as to be incapable of precise definition or quantification beyond the level proposed. In particular, with regard to determinations of degree of threat, the parallel with considerations under Section 7 of the Act seems faulty. Consultations under Section 7 address known and carefully identified actions that may affect the survival of a species. Degree-of-threat considerations for listing a species may address highly speculative future actions, or more frequently, documented decline of a species for poorly-known or unknown reasons. Such considerations often cannot be quantified, and an attempt to do so might only serve to make priority-setting, rather than listing, the main activity of the program, as feared by EDF (see above). The Service believes that it has access to sufficient biological expertise to permit the admittedly loose definitions of terms to be interpreted appropriately.

EDF also recommended that "degree" be replaced by "magnitude" under "threat." The Service agrees that the latter term is somewhat more precise, and has altered the final guidelines accordingly.

EDF expressed concern that the "immediacy" criterion for threat not be applied so rigidly that Endangered species would always be listed in preference to Threatened species, which might be more recoverable. In general, the Service intends that species judged Endangered should be listed before those judged Threatened. Once again, it is worth noting that listing is an identification process and, other considerations being equal, should proceed on a "worst-first" basis. Nevertheless, the Service intends that species originally judged to be faced with immediate threats, but which prove not to face such immediate threats when sufficiently complete status information is developed, may be listed nevertheless in order that current status information need not be gathered again later on.

EDF supported the concept of immediacy of threat as a useful addition to the priority system but observed that:

> Specifically, we are concerned that the immediacy of threat criterion may ultimately rely on and be distinguished by the availability of scientific information about such threats. Because such threats are not well-known, however, a dearth of information may preclude necessary and expeditious action by the Service. We therefore suggest that the immediacy of threat criterion should be defined and delimited by what are necessarily somewhat subjective best judgments about the expected temporal sequence and realization of a threat; not just the known or unknown occurrance of such threats. We believe the Service recognizes this in its attempt to distinguish two categories ("actual identifiable" versus "potential, intrinsically vulnerable") but falls short in that effort by distinguishing "latent" from "potential" by the presence or absence of information available about such threats (e.g., "known occurrence or lack of * * *."). Hence, to the maximum extent possible, judgments about the immediacy of threat should be guided by how quickly the threat posed by any one of the five statutory factors may affect those populations of a candidate species at risk.

The Service believes that such a recommendation, if adopted, would render the system unworkable. It could make priorities responsive to highly speculative but rapidly-realized threats such as earthquake or volcanic eruption. The Service prefers in setting priorities to rely on known or reasonably predictable threats to a species' survival and known vulnerability to reasonably probable future conditions.

Because they believe that all threats are by definition potential, EDF recommends that "potential" be replaced by "non-imminent" in the system. Insomuch as a threat in this context is one of extinction, and is only realized when a species is extinct, this is a point well taken by the Service. The final system is altered accordingly.

EDF also recommended that an "ecosystem" criterion be incorporated into the system, similar to the "conflict" criterion in Table 3. This would be intended to identify species of ecologic

importance and to accommodate the provision of the Senate Environmental and Public Works Committee's report on the 1982 amendments to the Act:

> Biologically it makes sense to treat all taxonomic groups equally or even to place some special emphasis on protecting plants and invertebrates since they form the bases of ecosystems and food chains upon which all other life depends.

S. Rep. No. 418, 97th Cong., 2d Sess. 14 (1982).

The Service fully appreciates the importance of species that are ecologically significant, and intends to give this importance due consideration in determining listing goals, but does not consider this an appropriate element in the listing priority system. This kind of information is seldom available at the time a species is considered for listing and, if included, would only raise it in priority above species that were equal in all other respects under the system. In addition, the Service believes that all species are of some importance to ecosystems, so that a simple "yes-or-no" decision would rarely be possible. Thus, it appears most reasonable to consider "ecosystem importance" on an *ad hoc* basis outside the formal priority system, when such importance is identifiable. EDF also requests clarification of the consideration to be given vertebrate populations under the priority system. As explained above in reply to a similar enquiry from ESA, the Service intends that vertebrate populations generally be accorded the same consideration as that given subspecies.

Finally, EDF suggests that species may be identified for delisting or reclassification from Endangered to Threatened by virtue of their having met objectives for such action in recovery plans. The Service certainly intends to consider identified recovery goals in planning delistings or reclassifications, but will assign priority for such actions according to the criteria in Table 2.

The Pacific Legal Foundation (PLF) supported development of priority guidelines, expressing the opinion that the Endangered Species Act " * * * has been misused by some as a vehicle by which major construction projects and reasonable development of our natural resources have been delayed or stopped." The Service agrees that guidelines are desirable as a method of helping to ensure appropriate use of resources. The Service has always attempted to proceed on the basis of the best scientific knowledge available in implementing the Act, whether through the listing or recovery of Endangered and Threatened species. PLF also recommends that all listing, delisting, or reclassification actions be undertaken in strict compliance with the guidelines and that, for every species that is listed, reclassified, or delisted, a discussion of each of the criteria in the relevant priority system table should be supplied. The Service, as has been mentioned above, does not view the priority systems as dictating actions so much as providing flexible guides in making rational decisions. In this light, it is counterproductive to explain how each action fits the priority system so long as species subject to the actions qualify under the conditions of the Act.

PLF also expressed the opinion that is redundant to consider both "degree" and "immediacy" of threat. As has been explained above, the Service continues to believe that the distinction is a useful one.

Finally, PLF requested a clarification to indicate that, " * * * no protection is afforded individual gene pools below the taxonomical level of subspecies." The Service notes that, in the case of vertebrate animals the Act specifically provides for the listing of populations. The recommendation of PLF in this instance would thus contradict the Act. As explained above, the Service intends to generally assign vertebrate populations the same priority of consideration as that afforded subspecies.

Comments on recovery priorities. Several of the comments on the recovery priority system are conveniently categorized and addressed topically below:

1. *Taxonomy.* Some concern (two comments) was expressed concerning the use of taxonomic uniqueness as a criterion for determining recovery priority. This issue has been addressed in the above section for listing priority.

In one comment, it was recommended that a better measure than taxonomy would be the species' ecological significance. For this purpose, a species with "high" ecological significance would be one for which recovery measures would likely benefit the conservation of the listed or candidate species as well. It was recommended that Ecological Significance should substitute for Taxonomy in Table 3.

To the extent possible, the Service has adhered to this philosophy of considering ecosystems in its recovery plans. This is evident by the following recovery plans (includes both draft and approved plans) which utilize an ecosystem or multi-species approach: Antioch Dunes (three species), Eureka Valley Dunes (two species), Hawaiian Forest Birds (four species), Hawaiian Sea Birds (four species), Hawaiian Water Birds (three species), Kauai Forest Birds (six species), San Bruno Mountain (two species), San Clemente Island (seven species), NW Hawaiian Islands Passerine Birds (three species), and the San Marcos River Endangered and Threatened species (four species), (technical review draft stage).

Because ecosystems are already considered and it is difficult to quantify "Ecosystem Significance," the Service elects not to substitute Ecosystem Significance for Taxonomy in Table 3.

2. *Recovery potential and associated costs of recovery.* Two comments expressed concerns about the recovery potential of a species and an efficient investment of resources. The Service is in agreement with the concerns expressed and will expand the narrative of the guidelines to accommodate this concern. Priority will be given to those species and projects that offer the greatest potential for success. The recovery potential of a species will be determined by consideration of the following criteria:

	High recovery potential	Low recovery potential
Biological and ecological limiting factors	Well understood	Poorly understood
Threats to species existence	Well understood easily alleviated	Poorly understood or pervasive and difficult to alleviate
Management needed [1]	Intensive management not needed, or techniques well documented with high probability of success	Intensive management with uncertain probability of success, or techniques unknown or still experimental

[1] When possible and biologically feasible, data pertinent to the recovery of a particular taxon will be extrapolated from known ecological requirements or management techniques for closely related taxa

Regardless of this recovery potential, the Service will strive to undertake for every high threat species those minimum survival efforts which will at least stabilize its status and prevent its extinction. Once such "emergency" measures have been taken, further recovery work designed to eventually lead to delisting of the species will be evaluated according to the recovery potential described above.

Several specific comments are addressed below:

Chevron expressed a desire to have greater public involvement in the preparation of recovery plans. This has been done to a limited degree in the past for those plans where a conflict, or

potential conflict, has been known to exist, e.g., Northern Rocky Mountain wolf, San Bruno Mountain, San Marcos River Endangered and Threatened species and the small whorled pogonia. The Service will continue to invite public participation for those species where conflicts or controversies are known to exist.

PLF stated that it is unclear (in Table 3) if there is any differing treatment between Endangered and Threatened species. The distinction between Endangered and Threatened species occurs in the Degree of Threat criterion. It is generally understood that the Degree of Threat is greater for Endangered species than for Threatened species.

PLF also suggested that an additional column be added to Table 3 that would give greater priority in the preparation of recovery plans to those species which are Endangered throughout all their range over those species that are Endangered throughout a portion of their range. Although it is not specifically stated, this concern is reflected in the first criterion (Degree of Threat) of Table 3. A species which is Endangered throughout its range would be listed higher on the degree of threat scale than would be a species Endangered throughout a portion of its range. In reality, most species which are listed are Endangered throughout their ranges. Even though it is legally acceptable to list populations of vertebrates, this practice represents the exception rather than the rule.

ESA recommended that for listing and recovery efforts, populations and named subspecies should have the same priority, since the possession of a name is often based more on tradition than on any meaningful measure of distinctiveness. This issue is addressed in the above Listing Section. In addition, the above reply to a comment from PLF indicates that priority be given to species which are Endangered throughout all their range rather than just to a population. Populations will be addressed when there is sufficient justification, but this is the exception rather than the rule.

EDF expressed the hope that the Service will devote most of its resources to implementing listing and recovery planning efforts and not to prioritizing such tasks. The listing portion of this concern is addressed in the earlier section of this article. The Service is mandated by the Endangered Species Act, as amended, to the preparation of recovery plans giving priority to those species most likely to benefit from such plans. In doing so, the Service will also focus on those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. The proposed guidelines are intended to provide a means to identify, and rank, those species most likely to benefit from such plans. It is also necessary that the limited resources for the implementing of recovery actions be allocated in the most judicious fashion possible. This can only be possible by having a sound system for ranking proposed recovery actions.

EDF commented that it remains unclear specifically how the three priority models (Tables 1, 2, and 3) relate to one another. Table 3, Recovery Priority, is independent of Tables 1 and 2. It is to be expected that many species would have a similar ranking when evaluated by Tables 1 and 3. However, differences between species, or recovery potential could reduce these similarities of ranking. This concern is also addressed under listing comments, above.

EDF also found the tasks priority—recovery priority system somewhat confusing. They agreed that the Service's limited resources should be distributed equitably to all listed species, but were not sure specifically how this will be accomplished. They requested clarification of this situation. They commented that, "presumably recovery plans for species facing the highest degree of threat will designate more priority 1 tasks than those plans for species jeopardized by a lower degree of threat."

Generally, plans for species facing the highest degree of threat will designate more Priority 1 tasks than those plans for species jeopardized by a lower degree of threat. However, exceptions may occur. For example, a highly-Threatened isolated desert fish may be in imminent danger from siltation associated with adjacent cattle grazing. Possibly only one task, i.e., fencing, would warrant a Priority 1 designation.

Furthermore, as indicated in the earlier summary of comments on recovery potential and associated costs regardless of the recovery potential, the Service will strive to undertake for every high-threat species those minimum survival efforts which will at least stabilize its status and prevent its extinction. Once such "emergency" measures have been taken, further recovery work designed to eventualy lead to delisting of species will be evaluated according to the recovery potential described above. To ensure consistency in the utilization of the recovery priority system, all draft recovery plans will be reviewed by the same office at the Washington level. Additionally, all funding proposals for implementation of recovery actions will also be reviewed by the same office at the Washington level.

Priority Guidelines

Listing, Delisting, and Reclassification Priorities. In the past, the Service has informally assigned priorities for listing species as Endangered or Threatened on the basis of several different systems. In 1979, a report to Congress (General Accounting Office, 1979) recommended that the Service officially adopt a listing priority system based primarily on consideration of the degree of threat faced by a species. Following this report, the 1979 Amendments to the Endangered Species Act (Pub. L. 96–159, 93 Stat. 1241) required that guidelines be established and published in the **Federal Register**, including "* * * a ranking system to assist in the identification of species that should receive priority review for listing * * *." Such a system was adopted (U.S. Fish and Wildlife Service, 1980), but not published in the **Federal Register**. This system was subsequently revised (U.S. Fish and Wildlife Service, 1981) so that priority for listing would be assigned within a given category of Degree of threat so as to generally favor vertebrate animals ("higher life forms") in the following order: mammals, birds, fishes, reptiles, amphibians, vascular plants, invertebrates.

The 1982 Amendments to the Endangered Species Act (Pub. L. 97–304) retained the requirement that guidelines be published. However, the amendments and the accompanying Conference Report necessitated revision of the 1981 system. Specifically, the amended Act requires that the priority system address delisting as well as listing of species and the Conference Report stated opposition to the adoption of any system that would give consideration to whether species were "higher or lower life forms." The present system is intended to satisfy the requirements of the amended Act.

1. *Listing and reclassification from Threatened to Endangered.* In considering species to be listed or reclassified from Threatened to Endangered, three criteria would be applied to establish 12 priority categories as follows (Table 1):

TABLE 1.—PRIORITIES FOR LISTING OR RECLASSIFICATION FROM THREATENED TO ENDANGERED

Threat		Taxonomy	Priority
Magnitude	Immediacy		
High	Imminent	Monotypic genus	1
		Species	2
		Subspecies	3
	Non-imminent	Monotypic genus	4
		Species	5
		Subspecies	6
Moderate to low	Imminent	Monotypic genus	7
		Species	8
		Subspecies	9
	Non-imminent	Monotypic genus	10
		Species	11
		Subspecies	12

Explanation. In keeping with the recommendation of the General Accounting Office (GAO) and the Service's previous policy, the first criterion would be magnitude of threat. Species facing the greatest threats to their continued existence would receive highest listing priority.

The second criterion, immediacy of threat, is intended to assure that species facing actual, identifiable, threats are given priority over those for which threats are only potential or that are intrinsically vulnerable to certain types of threat but not known to be presently facing such threats. In assigning a species to a priority category under immediacy of threat, the Service would consider the known occurance or lack of documented detrimental trade or harvest, habitat modification, significantly detrimental disease or predation, and other present or potential threats.

The third criterion is intended to devote resources on a priority basis to those species representing highly distinctive or isolated gene pools, as reflected by the taxonomic level at which they are recognized. The more isolated or distinctive a gene pool, the greater contribution its conservation is likely to make to the maintenance of ecosystem diversity. This final criterion implements the Act's stated concern for ecosystem conservation by recognizing the distinctness denoted by assignment of a species to a monotypic genus, as well as the relative distinctness denoted by the recognition of a taxon at the level of species or subspecies.

2. *Delisting and Reclassification from Endangered to Threatened*—The Service currently reviews listed species every 5 years in accordance with Section 4(c)(2) of the Act to identify any that might qualify for removal from the lists, or reclassification. When species are identified in the curse of these periodic reviews as warranting deletion from the lists or reclassification from Endangered to Threatened, priority for preparation of regulations would be assigned according to the system below (Table 2), employing two criteria to yield six categories. It should be pointed out that the priority numbers in Table 1 and 2 are not comparable.

TABLE 2.—PRIORITIES FOR DELISTING AND RECLASSIFICATION FROM ENDANGERED TO THREATENED

Management impact	Petition status	Priority
High	Petitioned action	1
	Unpetitioned action	2
Moderate	Petitioned action	3
	Unpetitioned action	4
Low	Petitioned action	5
	Unpetitioned action	6

Explanation. In considering species for possible delisting or reclassification from Endangered to Threatened, this system is intended to focus on species whose original classification has become inappropriate due to changed circumstances or new information. Priority considerations would concern whether or not maximum protection under the Act is necessary any longer and whether the listing causes an unwarranted management burden or unnecessarily restricts human activities.

The first consideration of the system accounts for the management burden entailed by the species' being listed, which, if the current listing is no longer accurate, could divert resources from species more deserving of conservation efforts.

Because the Act mandates timely response to petitions, the system secondly considers whether the Service has been petitioned to remove a species from either of the lists or to reclassify it from Endangered to Threatened. This consideration is also intended to assign highest priority to those species whose delisting is likely to remove the greatest impacts on human activities inasmuch as such species would also be likely to be subjects of petitions.

It is not intended that existence of a petition or identified management impact with regard to a given species would automatically direct or mandate any particular decision regarding its removal from the lists or its reclassification. The priority system is intended only to set priorities for the development of rules for species that no longer satisfy the listing criteria for their particular designation under the Act. The decision regarding whether a species will be retained on the lists or in the Endangered category must still be based on the considerations contained in Section 4(a)(1) of the Act and 50 CFR 424.11.

Recovery Plan Preparation and Implementation Priorities. The importance of recovery plans as guiding documents for recovering species has been recognized since 1972, when the Service developed its first draft recovery plan. Although the Service strongly encouraged their development, and some plans were developed, preparing a recovery plan for a species was elective until the 1978 Amendments to the Act required the development of a recovery plan for every listed Endangered and Threatened species, except when the Secretary determines that "* * * such a plan will not promote the conservation of the species."

Through fiscal year 1977, recovery plan development was not based on any established priority system. During fiscal year 1977, the Service developed a draft recovery priority system to be used as a guide for recovery planning and resource allocation. The system included three criteria—degree of threat, recovery potential, and taxonomic status, arranged in a matrix of 12 categories. The 1979 GAO report recommended that this draft recovery priority system be approved and implemented.

The present system expands the taxonomy criterion to include "monotypic genus." This would expand the matrix to yield 18 species recovery numbers (see Table 3). As described in the preceding section on listing, this addition is intended to devote resources on a priority basis to these species representing highly distinctive or isolated gene pools.

The previous system (as referenced in the 1979 GAO report) was adopted in 1980 (U.S. Fish and Wildlife Service, 1980). This system was subsequently revised to give priority within the existing matrix to taxonomic groups (higher life forms) as in the 1981 listing priority system. The system presently adopted deletes this preference for higher life forms and adds a new criterion on conflict required by the 1982 Amendments.

In particular, the 1982 Amendments specify that recovery plans shall, to the maximum extent practicable, give priority to those Endangered species or Threatened species most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. The present system is intended to satisfy the requirements of the amended Act. It utilizes a modification of the three-factor system originally adopted by the FWS in 1980 but includes a fourth factor, conflict.

which, if applicable, elevates the species in priority for development of a recovery plan and is to be an additional element in determining what actions are to be implemented for the recovery of a species. This fourth factor gives priority within each category in the preparation of recovery plans to those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. Thus, the species will retain its numerical rank and will acquire the letter designation of "C" indicating conflict, e.g., priority 7 would become 7C. The categories would be assigned as follows:

TABLE 3.—RECOVERY PRIORITY

Degree of threat and recovery potential	Taxonomy	Priority	Conflict
High			
High	Monotypic genus	1	1C, 1.
High	Species	2	2C, 2.
High	Subspecies	3	3C, 3.
Low	Monotypic genus	4	4C, 4.
Low	Species	5	5C, 5.
Low	Subspecies	6	6C, 6.
Moderate			
High	Monotypic genus	7	7C, 7.
High	Species	8	8C, 8.
High	Subspecies	9	9C, 9.
Low	Monotypic genus	10	10C, 10.
Low	Species	11	11C, 11.
Low	Subspecies	12	12C, 12.
Low			
High	Monotypic genus	13	13C, 13.
High	Species	14	14C, 14.
High	Subspecies	15	15C, 15.
Low	Monotypic genus	16	16C, 16.
Low	Species	17	17C, 17.
Low	Subspecies	18	18C, 18

Explanation. The first step for the conservation of any species is to prevent its extinction. Thus the species with the highest degree of threat have the highest priority for preparing and implementing recovery plans. A species can be put in either a high, moderate, or low category, which represents the degree of threat. The high category means extinction is almost certain in the immediate future because of a rapid population decline or habitat destruction. Moderate means the species will not face extinction if recovery is temporarily held off, although there is continual population decline or threat to its habitat. A species in the low category is rare, or is facing a population decline which may be a short-term, self-correcting fluctuation, or the impacts of threats of the species' habitat are not fully known.

Within the above categories, resources should be used in the most cost-effective manner. Priority for preparing and implementing recovery plans would go to species with the greatest potential for success. Recovery potential is based on how well biological and ecological limiting factors and threats to the species' existence are understood, and how much management is needed.

Priority will be given to those species and projects that offer the greatest potential for success. The recovery potential of a species will be determined by consideration of the following criteria:

	High recovery potential	Low recovery potential
Biological and ecological limiting factors.	Well understood	Poorly understood.
Threats to species' existence.	Well understood easily alleviated.	Poorly understood or pervasive and difficult to alleviate.
Management needed [1].	Intensive management not needed, or techniques well documented with high probability of success.	Intensive management with uncertain probability or success, or techniques unknown or still experimental.

[1] When possible and biologically feasible, data pertinent to the recovery of a particular taxon will be extrapolated from known ecological requirements or management techniques for closely related taxa.

Taxa that are most genetically distinct should receive priority within any given category of degree of threat. Monotypic genera will be given priority over species, subspecies, or populations. This last criterion is in recognition that the loss of the most genetically distinct taxa is of greater significance than the loss of less genetically distinct taxa. That is, for example, the loss of a full genus is of greater significance than the loss of a single species or population of that species.

The second requirement concerning recovery plans mandated by the 1982 Amendments is that priority be given to those species "that are, or may be, in conflict with construction or other development projects or other forms of economic activity." This requirement will be satisfied by having any listed species or subspecies, lacking a recovery plan, and identified as being, or having a recognizable potential for being, in conflict with a construction or development project, automatically qualify for the conflict column of the matrix. This species would then be considered high priority for having a recovery plan developed.

Conflict with construction or other development projects would be identified in large part by consultations conducted with Federal agencies under Section 7 of the Act. Any species identified through Section 7 consultations as having generated a negative biological opinion which concluded that a given proposed project would violate Section 7(a)(2) of the Endangered Species Act or resulted in the recommendation of reasonable and prudent alternatives to avoid a negative biological opinion, would be assigned to the conflict category and would be given priority over all other candidates for recovery plan preparation and implementation in the same numerical category not involving a conflict. The Service would also contact other Federal agencies for their identification of listed species that are, or may be, in conflict with construction or other development projects or other forms of economic activity. Any species identified by this process would be assigned to the conflict category and would also be given priority over other candidates for recovery plan preparation and implementation within the same numerical category (see Table 3) not involving a conflict.

A task priority (1–3) is used in conjunction with species recovery numbers (1–18 or 1C–18C) in ranking those tasks that need to be accomplished for the recovery of a species. This combination results in a two-tiered priority system (species recovery number-task priority number) which serves to distribute the resources of the program equitably for all listed species. Recovery tasks will be assigned priorities based on the following:

1. *Priority 1.* An action that must be taken to prevent extinction or to prevent the species from declining irreversibly.

2. *Priority 2.* An action that must be taken to prevent a significant decline in species population/habitat quality, or some other significant negative impact short of extinction.

3. *Priority 3.* All other actions necessary to provide for full recovery of the species. (Recognizing that the ultimate success of the Program is species recovery, priority 3 action likely to lead to full recovery and delisting of a species in the foreseeable future will tend to rank higher than other priority 3 actions.)

The highest priority activity (research proposal, permit proposal, etc.) is a 1C–1 priority (species recovery number 1C; task priority number 1).

This is an action necessary to prevent extinction for a monotypic genus, with a high recovery potential, under a high degree of threat and in conflict with a construction or other development project. If resources were channeled into activities based solely on the recovery priority of a species, these resources would be utilized primarily for species with a recovery priority of 1C to 6. However, when the species' priority is viewed in conjunction with the task priority, we are able to identify the most critical activities for all species. This system would insure that resources are

distributed to the most critically Endangered species and would recognize those species approaching recovered status.

References

General Accounting Office. 1979. Endangered Species—A Controversial Issue Needing Resolution. Washington, D.C.

U.S. Fish and Wildlife Service. 1980. Appendix I. Priority System. pp. i–iv. *In*: Endangered Species Program Management Document. Washington, D.C.

U.S. Fish and Wildlife Service. 1981. Service prepares guidelines for ranking candidate species. Endangered Species Technical Bulletin 6(8):1

Authors

This notice was prepared by Dr. John J Fay and Mr. W. L. Thomas of the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Dated: September 15, 1983.

J. Craig Potter

Acting Assistant Secretary for Fish and Wildlife and Park/Date.

[FR Doc. 83-25716 Filed 9-20-83; 8:45 am]

BILLING CODE 4310-55-M

Asian Elephant; Emergency Exemption, Issuance

On September 13, 1983, a letter waiving the 30-day public comment period was issued to Hawthorn Corporation, Grayslake, Illinois, authorizing emergency action to enhance the survival of one female Asian elephant (*Elephas maximus*). This waiver was granted to allow the interstate commerce of one Asian elephant from Gentle Jungle, Inc., Burbank, California (being held at the Animal Wayside Station, Riverside, California) to Hawthorn Corporation.

It was determined by the U.S. Fish and Wildlife Service that an emergency does in fact exist, that the health and life of the elephant is threatened and that no reasonable alternative to the proposed action is available to the applicant.

A copy of the letter of waiver is herewith presented. This emergency waiver is provided in accordance with the Endangered Species Act of 1973, as amended by Pub. L. 94-359 (90 Stat. 911).

Dated: September 14, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

In reply refer to: FWS/WPO PRT 2-11086.

Mr. John F. Cuneo, Jr.,

President, Hawthorn Corporation, 23675 W. Chardon Road,

Grayslake, Illinois 60030, September 13, 1983.

Dear Mr. Cuneo: This letter will serve to waive the 30-day public comment period required prior to issuance of a permit subsquent to your application to purchase in interstate commerce one female Asian elephant (*Elephas maximus*) from Gentle Jungle, Inc., Burbank, California.

This is an emergency exemption from the provisions of the Endangered Species Act (ESA) of 1973 (re: ESA Sec. 10[c]). It has been determined by the Service that an emergency exists, that the health and life of the elephant, identified as "Misty", is threatened and that no reasonable alternative is available for placement of the elephant. This animal killed a man in California and was ordered destroyed by local authorities unless removed from the State prior to September 15, 1983. Hawthorn Corporation has other Asian elephants and has shown that they have the expertise and facilities to care for the animal.

The enclosed permit, PRT 2-11086, authorizes you to purchase this elephant under the U.S. Endangered Species Act. The emergency exemption is granted conditional to the provisions of the permit. A copy of the permit has been sent to the Twin Cities, Minnesota Office, Division of Law Enforcement.

Any questions you may have should be directed to Maggie Tieger of the Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235-1903).

Sincerely,

Roman H. Koenings,

Acting Director.

Enclosure.

[FR Doc. 83-25734 Filed 9-20-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

[DES 83-6511]

Alaska Outer Continental Shelf; Availability of a Draft Environmental Impact Statement for a Proposed Oil and Gas Lease Offering in the Diapir Field Region of the Beaufort Sea

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service (MMS) has prepared a draft environmental impact statement (EIS) relating to a proposed June 1984 offshore oil and gas lease offering in the Diapir Field off the northern coast of Alaska.

Single copies of the draft EIS can be obtained from the Regional Manager, Alaska OCS Region, P.O. Box 10-1159, Anchorage, Alaska 99510.

Copies of the draft EIS will also be available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 C Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

In accordance with 30 CFR 256.26, the MMS will hold a public hearing in order to receive comments and suggestions relating to the EIS. The exact location and date of this hearing will be announced at a later date. Comments concerning the draft EIS will be accepted until Thursday, November 10, 1983, and should be addressed to the Regional Manager, Alaska OCS Region, Minerals Management Service, P.O. Box 10-1159, Anchorage, Alaska 99510.

Gary Bennethum,

Acting Director, Minerals Management Service.

August 26, 1983.

Approved: September 16, 1983.

Bruce Blanchard,

Director Environmental Project Review.

[FR Doc. 83-25724 Filed 9-20-83; 8:45 am]

BILLING CODE 4310-MR-M

Appendix T.

Notices of Availability of draft recovery plans for review and comment.

attendees and does not provide opportunities for dialogue and information exchange. NMFS believes that the traditional public hearing format can be improved upon by also including opportunities for individuals to discuss specific elements of the proposals with agency staff in small groups. The ''open-house'' format of the public meetings, described below, will enhance the ability of the public to engage effectively in the rulemaking process, while respecting their valuable time and resources.

Meeting Format

NMFS believes that the proposed hatchery listing policy and the subsequent proposed listing determinations for 27 West Coast ESUs of salmon and *O. mykiss* (see 69 FR 33101; June 14, 2004) are important to salmon recovery. Public engagement on these intimately related proposals will be combined into the same public meetings to make efficient use of the agency's and the public's time and resources.

Afternoon Practitioners' Sessions – Afternoon sessions (1:30 p.m. to 4:30 p.m.) will be provided for local practitioners and stakeholders involved with managing the ESA on a regular basis, including: tribal governments; forestry and agricultural interests; home builders and developers; the sport and commercial fishing community; the environmental community; the business community; utility and special districts; local government elected officials and their staff; other locally-based Federal and state agencies; and public interest groups. The structure of these afternoon meetings will be tailored to allow practitioners and NMFS staff to discuss the specific issues that are of local concern. Attendance at the afternoon sessions will be on a pre-registration basis. Information on attending the practitioners' afternoon sessions is available from NMFS upon request (see **FOR FURTHER INFORMATION CONTACT**, above) as well as on the Internet at *http://www.nwr.noaa.gov/AlseaResponse/meetings.html/*.

Evening Open House and Public Testimony – Evening ''open house'' sessions designed for broader public participation will be conducted on the same day as the afternoon practitioners' sessions. The ''open house'' format will provide the general public with an opportunity to meet with NMFS staff in small groups on specific topics in order to learn more about the proposals and their possible impacts on their communities. These evening meetings will also provide opportunities for the public to make formal recorded comments on the proposals. The preferred means of providing public comment for the official record is via written testimony prepared in advance of the meeting. In addition, blank ''comment sheets'' will be provided at the evening meetings for those without prepared written comments, and facilities will also be provided for recording oral testimony. The evening sessions will be open from 6:30 p.m to 9:30 p.m. Because these sessions will be designed as open houses where the public can move from ''station'' to ''station'' and discuss their particular interests with NMFS staff, members of the local community can come and go from the meeting as they please. For those who are interested, there will also be a short presentation on the proposed hatchery listing policy and the proposed listing determinations from NMFS beginning at 6:30 p.m. NMFS hopes that this format will allow busy community members to participate without necessarily attending the entire evening. Members of the public wishing to attend the evening open house meetings will receive the notification through advertising, NMFS Northwest Region's web page(*http://www.nwr.noaa.gov/AlseaResponse/meetings.html/*), and public notices published in their community. There is no need to register; just drop in anytime during the course of the evening event.

Meeting Dates & Locations

Public meetings, including both afternoon practitioners' (1:30 p.m. to 4:30 p.m.) and evening open house sessions (6:30 p.m. to 9:30 p.m.), will be held at eight locations in the Pacific Northwest from mid-September to mid-October. The specific dates and locations of these meetings are listed below:

(1) September 14, 2004, at the Chelan County Public Utility District (PUD) Auditorium, 327 N. Wenatchee Ave., Wenatchee, WA 98801.

(2) September 16, 2004, at the Red Lion Hotel Columbia Center, N. 1101 Columbia Center Blvd, Kennewick, WA 99336.

(3) September 22, 2004, at the Shilo Inn Hotel,536 SW Elizabeth, Newport, OR 97635.

(4) September 28, 2004, at the Stagecoach Inn, 201 Highway 93 North, Salmon, ID 83467.

(5) September 30, 2004, at the Red Lion Hotel, 621 21st St., Lewiston, ID 83501.

(6) October 5, 2004, at the Radisson Hotel (SeaTac Airport), 17001 Pacific Highway South, Seattle WA 98118.

(7) October 7, 2004, at Umpqua Community College, 1140 College Rd., Roseburg, OR 97470.

(8) October 13, 2004, at the Portland Building, 1120 SW 5th Ave, Portland, OR 97204.

Directions to the meeting locations can be obtained on the Internet at *http://www.nwr.noaa.gov/AlseaResponse/meetings.html/*. Dates and locations of public hearings to be held in California will be announced in a subsequent Federal Register notice.

In scheduling these public meetings, NMFS has anticipated that many affected stakeholders and members of the public may prefer to discuss the proposed hatchery listing policy directly with staff during the public comment period. These public meetings are not the only opportunity for the public to provide input on this proposal. The public and stakeholders are encouraged to continue to comment and provide input to NMFS on the proposals (via correspondence, e-mail, and the Internet; see **ADDRESSES**, above) up until the scheduled close of the comment period on October 20, 2004.

References

Copies of the **Federal Register** notices and related materials cited in this document are available on the Internet at *http://nwr.noaa.gov*, or upon request (see **ADDRESSES** section above).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: August 25, 2004.

Donna Wieting,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–19870 Filed 8–30–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 051804D]

Notice of Availability of the Draft Revised Recovery Plan for the North Atlantic Right Whale

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS announces the availability for public review of the draft revised Recovery Plan (Plan) for the North Atlantic Right Whale (*Eubalaena glacialis*). NMFS is soliciting review and comment from the public and all

interested parties on the Plan, and will consider all substantive comments received during the review period before submitting the Plan for final approval.

DATES: Written comments on the revised Recovery Plan must be received no later than 5 p.m., eastern standard time, on November 1, 2004.

ADDRESSES: Written comments should be sent to: Chief, Marine Mammal Conservation Division, Attn: North Atlantic Right Whale Recovery Plan, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via e-mail to the following address: *Narw.Comments@noaa.gov*. Interested persons may obtain the Plan for review from the above address; the Plan is also available on-line from the Office of Protected Resources web site at the following URL: *http://www.nmfs.noaa.gov/pr/PR3/recovery.html*

FOR FURTHER INFORMATION CONTACT: Michael Payne, Chief, Marine Mammal Conservation Division, (301) 713–2322 x101, e-mail *michael.payne@noaa.gov*; or Phil Williams, Chief, Endangered Species Division, (301) 713–1401 x145, e-mail *phil.williams@noaa.gov*.

SUPPLEMENTARY INFORMATION: Recovery Plans (1) describe actions considered necessary for the conservation and recovery of species listed under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), (2) establish criteria for the downlisting or delisting of such species, and (3) estimate the time and costs required to implement recovery actions. The ESA requires the development of Recovery Plans for listed species unless such a plan would not promote the recovery of a particular species. Section 4(f) of the ESA, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during Recovery Plan development. NMFS will consider all substantive comments and information presented during the public comment period in the course of finalizing this Recovery Plan.

Right whales were listed as endangered under the Endangered Species Conservation Act in June 1970 (35 FR 8495). Right whales in the North Pacific and North Atlantic were until recently considered a single species (*E. glacialis*), while the southern right whale (*E. australis*) was considered a separate, but closely related species. The 1991 Recovery Plan for the Northern Right Whale (*E. glacialis*) addressed right whales throughout the northern hemisphere. However, recent genetic studies provide strong evidence of separate specific status for North Atlantic and North Pacific right whales, and accordingly have suggested changing the binomial for the North Pacific population. The set of taxonomic classifications put forth were accepted by the International Whaling Commission. NMFS revised the List of Threatened and Endangered Wildlife to reflect this on April 10, 2003 (68 FR 17560). The revised classifications are as follows: the North Atlantic right whale (*E. glacialis*); the North Pacific right whale (*E. japonica*); and the Southern right whale (*E. australis*). These classifications will be used for the purposes of this Plan, and for those of a separate plan being drafted for the North Pacific right whale. Therefore, this revised Plan addresses only status, recovery actions needed, and criteria for the North Atlantic right whale.

Historically depleted by commercial whaling, the North Atlantic right whale population at present numbers approximately 300 individuals, and is impacted both directly and indirectly by human activities primarily in the form of vessel collisions and entanglement in fishing gear. These impacts have contributed to a lack of recovery for the species.

A recovery plan was completed for the Northern right whale (*Eubalaena glacialis*) in 1991, which referred to the North Atlantic right whale as a population. NMFS has revised the Plan according to: public comments received, recent information, and a recently revised plan format. In particular, NMFS further refined recovery criteria for the species and has revised the Plan accordingly. Once finalized, NMFS will use this Plan to guide research and conservation activities designed to promote the recovery of North Atlantic right whales.

The Plan includes the following prioritized objectives to recover the North Atlantic right whale: (1) Minimize sources of human-caused death, injury, and disturbance; (2) develop demographically-based recovery criteria; (3) identify, characterize, protect, and monitor important habitats; (4) monitor the status and trends of abundance and distribution of the western North Atlantic right whale population; (5) and coordinate Federal, state, international, and private efforts to implement the Recovery Plan. The ultimate goal of the Plan is to promote the recovery of the North Atlantic right whale to a level sufficient to warrant its removal from the List of Endangered and Threatened Wildlife and Plants under the Act. The intermediate goal is to reclassify the species from endangered to threatened.

Criteria for reclassification of the North Atlantic right whale are included in the Plan. In summary, the North Atlantic right whale may be reclassified from endangered to threatened when all of the following have been met: (1) the population structure of right whales (including, but not limited to, such parameters as abundance, growth rate, age structure, gender ratios) is indicative of a biologically significant increasing population; (2) the population has increased for a period of 20 years at an average rate of increase of 2 percent per year or more; (3) all five listing factors are addressed; and (4) given current and projected conditions, the population has no more than a 1 percent chance of quasi-extinction in 100 years. For the purposes of the Plan, quasi-extinction is defined by NMFS as a small, critical population threshold whose lower boundary may be unacceptable for the continued survival of a species. For instance, this could be the population size at which factors such as demographics, inbreeding depression, or behavioral constraints prohibit survival (Ginzburg *et al.*, 1982 as cited in Burgman *et al.*, 1993).

Criteria for delisting the North Atlantic right whale are not included in the Plan because the current abundance of North Atlantic right whales is an order of magnitude less than an abundance at which NMFS would consider delisting the species, and decades of population growth likely would be required before the population could attain such an abundance. In addition, conditions related to delisting are now too distant and hypothetical to realistically develop specific criteria. Such criteria will be included in a future revision of the Recovery Plan well before the population is at a level when delisting becomes a reasonable decision.

Comments and Responses

Previous public comments have been incorporated into the current updated version of the Plan. NMFS published a notice of availability of a revised draft Recovery Plan for the western North Atlantic right whale (2001 draft Plan) in the **Federal Register** on July 11, 2001 (66 FR 36260) and extended the comment period on the draft Plan on August 22, 2001 (66 FR 44115). Comments were received from 15 individuals and organizations during the comment period. Reviewers' comments and NMFS' response to the comments are discussed in this document.

The majority of comments involved updates to, or modifications of, the introductory sections of the Plan on right whale distribution, abundance, and human impact. These sections have been modified accordingly. A number of commenters commended NMFS for preparing the revised Plan and indicated that the revision was an improvement over the current (prepared in 1991) Northern Right Whale Recovery Plan.

Comment 1: Many commenters suggested NMFS include specific actions and tasks in the Plan, particularly actions to reduce right whale fishing gear entanglements and ship collisions. With regard to reducing ship strikes, these suggested actions included, among others, such things as restricting ship speed where right whales occur; limiting ship traffic where right whales occur; requiring fixed shipping routes to and from east coast ports; and complete avoidance by ships of areas used by right whales for feeding, nursing, and traveling. With regard to reducing entanglement in fishing gear, recommendations for specific actions included, among others, such things as prohibiting all fishing operations in waters where right whales occur; requiring knotless buoy weak links; prohibiting single lobster traps and requiring single buoy lines to multiple lobster traps; elimination of all vertical lines and fixed gear that pose a threat of entanglement; requiring remote and time-release lines; and requiring the removal of lobster gear in areas where whales are sighted.

Response: NMFS has considered including these specific actions in the Plan. However, many of these specific measures are being identified and implemented through other processes. For example, NMFS has developed and published in the **Federal Register** an advance notice of proposed rulemaking with proposed regulatory measures to implement a comprehensive ship strike reduction strategy which includes a number of the actions identified by commenters (69 FR 30857, 1 June 2004; public comment period extended July 9, 2004 (69 FR 41446)). In addition, NMFS identifies, assesses, develops, and implements commercial fishing operations regulations through the Atlantic Large Whale Take Reduction Plan (50 CFR 229.32). Through this process and related processes, including consultations on Federal actions under section 7 of the ESA, fishing gear advisory groups, various workshops, and other means, NMFS has implemented a number of restrictions, and is contemplating or in the process of implementing others. Therefore, NMFS believes that the wording in the Plan is sufficiently rigorous without including specific measures being identified and implemented through other processes (e.g., specific types of changes to fishing operations). The Plan requires identifying means to: reduce the effects of human activities (i.e., entanglements and ship collisions), monitor the program being used and, if not sufficiently rigorous, implement more stringent measures to reduce or eliminate threats.

Comment 2: NMFS received comments recommending the removal of specific actions. Several commenters recommended deleting the action to assess intermodal transport to explore ways to reduce ship traffic in certain areas.

Response: NMFS agrees and the Plan has been modified. This action has been deleted.

Comment 3: Several commenters pointed out an inconsistency in the 2001 draft Plan regarding the inadequacy of existing regulatory mechanisms to protect right whales (one of the factors considered in listing or delisting a species). Specifically, the draft indicated that existing regulations were adequate, but further regulation may be needed.

Response: NMFS changed the recovery criteria in the Plan to address this comment.

Comment 4: With regard to the draft recovery criteria in the 2001 draft Plan, NMFS received few comments. One commenter stated ''. . . the identified approach and criteria seem reasonable.''

Response. NMFS has further refined recovery criteria for the species and has revised the Plan accordingly.

Comment 5: With regard to the recovery criteria, two commenters recommended using ''generation-time'' rather than years.

Response: NMFS recognizes this as an approach that has been used in developing some recovery criteria, however, information on age at sexual maturity and other potential measures of generation time is imprecisely known in right whales. In addition, adopting the use of generation time as a unit of time for a temporal unit would be counter to the conclusions of the workshop convened by NMFS in February 2001 to develop reclassification criteria for endangered large whale species and much of the scientific literature on this issue. The 100–year criteria is more conservative than generation time and, therefore, ultimately more protective of the severely depleted North Atlantic right whale.

Comment 6: A number of comments concerned the designation of priorities in the implementation schedule, as well as comments aimed at clarifying the content of the table of priorities. For example, the suggestion was made to elevate the task of identifying features of right whale habitat from priority 2 to 1.

Response: These suggestions have been accepted and changes have been made accordingly, while also adhering to recovery planning guidelines which provide that priority 1 recovery actions are ''Actions that must be taken to prevent extinction or to prevent the species from declining irreversibly.''

Comment 7: One commenter requested that the section on ''Early Warning Surveys'' (surveys that are used to determine the locations of right whales and to pass the sighting information onto mariners) be revised to indicate that (a) the main purpose of the flights is to warn mariners, and (b) that information on ship strike ''near misses'' be collected in a standardized way.

Response: These suggested changes have been made by incorporating the recommendations into specific tasks in the Recovery Program section of the Plan on reducing ship strikes.

Comment 8: Several commenters requested a change in the Plan to indicate that right whale photo-identification data and sighting and other information apropos to Geographic Information System studies be provided to curators of such information in a timely manner.

Response: NMFS has made these changes in the Recovery Program section of the Plan.

Comment 9: Comments were received regarding statements made in the Plan about U.S. Navy operations, specifically about the need for NMFS to have a better understanding of the types of activities undertaken by the Navy in waters where right whales occur.

Response: Portions of the Plan have been modified to address the concern in this comment. For example, the threats section of the Plan on ''Underwater Explosive Activities'' now states ''As described in Appendix A, the Navy has consulted with NMFS under section 7 of the ESA on the potential effect of some of its operations on protected species. In addition, all Navy operations that introduce loud sounds into the marine environment are subject, under the MMPA, to application for and provision of small take letters of authorization from NMFS. The Navy has made a number of significant modifications to its operations to facilitate protection of right whales in their critical habitat in the SEUS. The NMFS and Navy both

understand the need to continue to keep an open dialogue, or possible formal or informal section 7 consultations, with regard to Navy operations and to evaluate ways to mitigate possible environmental impacts of the operations throughout the eastern seaboard.''

Comment 10: Several commenters indicated that voluntary measures (as identified in the 2001 draft Plan) to reduce ship strikes would not be adhered to by the shipping industry, and therefore, should not be considered.

Response: NMFS has modified the Plan by removing the task to implement voluntary ship strike reduction measures. See also response to Comment 1 regarding an advance notice of proposed rulemaking on ship strike reduction measures.

Comment 11: Several commenters indicated that the section of the Plan on compliance and enforcement of various right whale protective regulations needed to be amended and expanded.

Response: Changes have been made to the section on enforcement in the Recovery Program section of the Plan by adding a task to: ''Review and assess the implementation and efficacy of the enforcement programs and take steps to improve the enforcement measures if deficiencies are identified.'' The level of support of this element has been increased in the implementation plan.

Comment 12: Comments from two people indicated that an assessment of the boundaries of critical habitat in the northeast U.S., as well as those in the southeast U.S., should be made.

Response: The Plan has been revised in the Recovery Program section to address the concerns raised in this comment.

Public Comments Solicited

NMFS solicits written comments on the draft Revised Recovery Plan. All substantive comments received by the data specified above will be considered prior to final approval of the Plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*)

Literature Cited

Burgman, M.A., S. Ferson, and H.R. Akcakaya. 1993. *Risk Assessment in Conservation Biology.* Chapman & Hall, University Press, Cambridge. p14.

Ginzburg, L.R., L.B. Slobodkin, K. Johnson, and A.G. Bindman. 1982. Quasiextinction probabilities as a measure of impact on population growth. *Risk Analysis.* 21: 171–81.

National Marine Fisheries Service. 1991. Recovery Plan for the Northern Right Whale (*Eubalaena glacialis*). Prepared by the Right Whale Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 86pp.

Dated: August 25, 2004.

Donna Wieting,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 04–19775 Filed 8–30–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 040517149–4242–02; I.D. 050304C]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the United States; Essential Fish Habitat; Re-opening Comment Period

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice to re-open comment period; receipt of rulemaking petition to protect deep-sea coral and sponge habitat; request for comments.

SUMMARY: The NMFS announced in the **Federal Register** on June 14, 2004, the receipt of a petition for rulemaking under the Administrative Procedure Act. Oceana, a non-governmental organization, petitioned the U.S. Department of Commerce to promulgate a rule to protect deep-sea coral and sponge habitats in the U.S. Exclusive Economic Zone (EEZ). The public comment period for that notice closed August 13, 2004. By this notice, NMFS announces the re-opening of the public comment period on the rulemaking petition to protect deep-sea coral and sponge habitat and to ensure thorough public comment.

DATES: Written comments will be accepted through October 15, 2004.

Comments that were received between August 13, 2004, and August 31, 2004 will also be deemed timely received.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *DSC-EFH@noaa.gov*. Include in the subject line of the e-mail comment the following identifier: DSC Petition.
- Mail: Rolland A. Schmitten, Director, Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC, 1315 East-West Highway, Silver Spring, MD 20910.
- Fax: (301) 427–2572.

The complete text of Oceana's petition is available via the internet at the following web address: *http://www.nmfs.noaa.gov/habitat/habitatconservation/DSC__petition/Oceana*. In addition, copies of this petition may be obtained by contacting NMFS at the above address.

FOR FURTHER INFORMATION CONTACT: Tom Hourigan at 301–713–3459 ext. 122.

SUPPLEMENTARY INFORMATION: On June 14, 2004 (69 FR 32991), NMFS announced the receipt of a rulemaking petition to protect deep-sea coral and sponge habitat and requested comments until August 13, 2004. NMFS received a request to extend the public comment period to allow more time to review of existing science and to address the petition's requests. NMFS decided to re-open the comment period from August 31, 2004 to October 15, 2004 to allow Fishery Management Councils, Federal agencies, science organizations, and the general public more time to consider the petition's recommendations to ensure thorough public comment. Comments that were received between August 13, 2004, and August 31, 2004 will also be deemed timely received.

The petition filed by Oceana states that deep-sea coral and sponge habitat are comprised of long-lived, slow-growing organisms that are especially vulnerable to destructive fishing practices, such as the use of bottom-tending mobile fishing gear. The petition cites that without immediate protection, many of these sensitive deep-sea coral and sponge habitats will suffer irreparable harm.

The petition cites specific legal responsibilities of NMFS for essential fish habitat (EFH) and Habitat Areas of Particular Concern (HAPCs) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the EFH guidelines at 50 CFR 600, subparts J and K, and concludes that NMFS must: identify and describe deep-sea coral and sponge habitats as EFH; designate some, if not all, of these habitat types as HAPCs; take appropriate measures to minimize to the extent practicable adverse fishing effects on this EFH; and protect such habitat from other forms of destructive activity. The petition gives a short overview of known deep-sea coral and sponge habitat in regions off the mainland United States, including areas known in the Alaska, Pacific, Northeast and Mid-Atlantic, Southeast, and Gulf of Mexico fishery management regions. The petition asserts that deep-sea coral and sponge habitats satisfy the definition of EFH in the Magnuson-

Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Louis H. Botta, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of West Virginia to have been affected adversely by this declared major disaster:

Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Nicholas, Putman, Raleigh, Roane, Wayne, Webster, Wirt, and Wyoming Counties for Individual Assistance.

All counties within the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 04–13778 Filed 6–17–04; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No.FR–4901–N–25]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: July 18, 2004.

FOR FURTHER INFORMATION CONTACT: Kathy Burruss, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-imparied (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No.88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: June 10, 2004.

Mark R. Johnston,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 04–13551 Filed 6–17–04; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042604A]

Notice of Availability of a Draft Recovery Plan for the Gulf of Maine Distinct Population Segment (DPS) of Atlantic Salmon

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce; and U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of Availability of Draft Recovery Plan for the Gulf of Maine Distinct Population Segment (DPS) of Atlantic Salmon (*Salmo salar*).

SUMMARY: The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS)(collectively, the Services) announce the availability for public review of the Draft Recovery Plan for the Gulf of Maine DPS of Atlantic Salmon. The Services are soliciting review and comment on the draft plan from the public and all interested parties.

DATES: The comment period for this proposal closes on September 16, 2004. The Services will consider and address all substantive comments that are received during the comment period. In addition to making this draft plan available for public review, it is simultaneously being submitted for agency and peer review. After consideration of all substantive comments received during the review period, the Recovery Plan will be submitted for final approval. Comments on the Draft Recovery Plan must be received before the closing date.

The Services have scheduled two public meetings/hearings in the State of Maine to discuss the Draft Recovery Plan with interested parties and solicit comments. Both meetings/hearings will start at 6:00 p.m. on the dates indicated:

(1) July 14, 2004. University of Maine at Machias, The Science Building Lecture Hall.

(2) July 15, 2004. Augusta Civic Center, Kennebec/Penobscot Room.

ADDRESSES: Please send written comments and materials to the Atlantic Salmon Recovery Plan Coordinator at the address provided above. In addition, the Services are accepting electronic comments (i.e., email) on the Draft Recovery Plan at the following address: *SalmonRecovery@noaa.gov*.

Persons wishing to review the Draft Recovery Plan can obtain a copy from the Atlantic Salmon Recovery Plan Coordinator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Electronic copies of the Draft Recovery Plan are also available on-line on the NMFS (*www.nmfs.noaa.gov/pr/*) and FWS (*www.fws.gov*) websites.

FOR FURTHER INFORMATION CONTACT: Mark Minton (NMFS), Atlantic Salmon Recovery Plan Coordinator (978–281–9328 extension 6534); Pat Scida (NMFS), Endangered Species Coordinator (978–281–9208); or Martin Miller (FWS), Chief, Endangered Species Division (413–253–8615).

SUPPLEMENTARY INFORMATION:

Background

Recovery Plans describe actions considered necessary for the conservation and recovery of species listed under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), establish criteria for the downlisting or delisting of such species and estimate the time and costs required to implement recovery actions. The Act requires the development of Recovery Plans for listed species unless such a plan would not promote the recovery of a particular species. Section 4(f) of the

Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during Recovery Plan development. The Services will consider all substantive comments and information presented during the public comment period in the course of finalizing this Recovery Plan.

The Gulf of Maine DPS of Atlantic salmon was listed as endangered under the Act on December 17, 2000 (65 FR 69459). The DPS includes all persistent, naturally reproducing populations of Atlantic salmon from the Kennebec River downstream of the former Edwards Dam site, northward to the mouth of the St. Croix River. At the time of listing, there were at least eight rivers in the geographic range of the DPS known to still support wild Atlantic salmon populations (Dennys, East Machias, Machias, Pleasant, Narraguagus, Ducktrap and Sheepscot Rivers and Cove Brook). In addition to these eight rivers, there are at least 14 small coastal rivers within the historic range of the DPS from which wild salmon populations have been extirpated.

The Gulf of Maine DPS has declined to critically low levels. Adult returns have continued to decline since the listing. In 2002, total adult returns to the eight rivers still supporting wild Atlantic salmon populations within the DPS were estimated to range from 23 to 46 individuals. No adults were documented in three of the eight rivers. Juvenile abundance estimates and survival have also continued to decline. Declining smolt production has been documented in recent years, despite fry stocking.

The Recovery Plan includes prioritized actions to recover the Gulf of Maine DPS. The major areas of action are designed to stop and reverse the downward population trends of the eight wild Atlantic salmon populations and minimize the potential for human activities to result in the degradation or destruction of Atlantic salmon habitat essential to its survival and recovery. The Draft Recovery Plan identifies the following actions as necessary for the full recovery of the DPS: (1) Protect and restore freshwater and estuarine habitat; (2) prevent take in freshwater, estuarine and marine fisheries; (3) reduce predation and competition on all life stages of Atlantic salmon; (4) reduce risks from commercial aquaculture operations; (5) supplement wild populations with hatchery-reared DPS salmon; (6) conserve the genetic integrity of the DPS; (7) assess stock status of key life stages; (8) promote salmon recovery through increased public and government awareness; and (9) assess effectiveness of recovery actions and revise as appropriate.

The recovery planning process included a ''threats assessment'', which evaluated the geographic extent and the severity of threats to various life-stages of Atlantic salmon in the DPS. This evaluation resulted in the following threats being identified as high priority for action to reverse the decline of Atlantic salmon populations in the Gulf of Maine DPS: (1) Aquaculture practices which pose ecological and genetic risks; (2) acidified water and associated aluminum toxicity which decrease juvenile survival; (3) poaching of adults in DPS rivers; (4) incidental capture of adults and parr by recreational fishermen; (5) predation; and (6) excessive or unregulated water withdrawal.

Public Comments Solicited

The Services solicit written comments on the draft Recovery Plan. All substantive comments received by the date specified above will be considered prior to final approval of the Recovery Plan.

As is noted in the Recovery Plan, the National Research Council (NRC) was asked to describe what is known about the genetic makeup of Atlantic salmon in Maine and issued a report on this subject in January 2002. The NRC was also asked to assess the causes of decline and to suggest strategies for the rehabilitation of Atlantic salmon in Maine and issued a report addressing this issue on January 20, 2004. The Services' preliminary review of the NRC's January 20, 2004 report indicates that the report's findings are generally consistent with this draft Recovery Plan. However, several issues within this report warrant additional consideration as we develop a final recovery plan. The most significant of these issues include: (1) risks associated with the research and monitoring; (2) mortality as smolts transition from freshwater to the ocean; (3) potential impacts of hatchery operations; and (4) the need for a structured and inclusive risk and decision analysis process.

The Services are seeking public comment on these and other findings and recommendations in the NRC report as they relate to this Recovery Plan. It is important to note that the scope of the NRC report is broader than this Recovery Plan; the NRC report considered all Atlantic salmon populations in Maine, whereas the Recovery Plan focuses only on the Gulf of Maine DPS.

Authority

The authority for this action is section 4(f) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: May 14, 2004.

Laurie K. Allen,

Director, Office of Protected Resources, National Marine Fisheries Service.

Dated: May 12, 2004.

Marvin E. Moriarty,

Regional Director, Region 5, U.S. Fish and Wildlife Service.

[FR Doc. 04–13731 Filed 6–17–04; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Bureau of Reclamation

[INT–DES–04–32]

Draft Environmental Impact Statement/ Draft Environmental Impact Report (DEIS/DEIR) for the Lower Colorado River Multi-Species Habitat Conservation Program, Section 10 Permit Application for Incidental Take, Draft Lower Colorado River Multi-Species Habitat Conservation Plan, Draft Biological Assessment, and Draft Implementing Agreement

AGENCIES: U.S. Fish and Wildlife Service, Bureau of Reclamation, Interior.

ACTION: Notice of availability and public hearings.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), this notice advises the public that the U.S. Fish and Wildlife Service (Service) has received an application for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act), for the Lower Colorado River Multi-Species Conservation Program (LCR MSCP). The requested ITP, if granted, would authorize the LCR MSCP permittees incidental take of the following federally listed and candidate species: southwestern willow flycatcher (*Empidonax traillii extimus*) (flycatcher), Yuma clapper rail (*Rallus longirostris yumanensis*) (clapper rail), desert tortoise (*Gopherus agassizii*) (tortoise), bonytail (*Gila elegans*) (bonytail), humpback chub (*Gila cypha*) (humpback), razorback sucker (*Xyrauchen texanus*) (razorback), and yellow-billed cuckoo (*Coccyzus americanus*) (cuckoo). The requested ITP would also address incidental take for 20 other species of animals and plants that are not currently federally listed or candidate species. The

United States Department of the Interior

F1SH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling. MN 55111-4056

IN R£rLY R£FER TO:

FWS/AES/ESO

Notice of Availability of the Technical/Agency Draft Hine's Emerald Dragonfly *(Somatochlora hineana)* Recovery Plan for Review and Comment

The U.S. Fish and Wildlife Service (Service) invites your review of the enclosed draft of the recovery plan for the Hine's emerald dragonfly *(Somatochlora hineana)*. The Service solicits any corrections or suggestions you or your agency or group may offer and will carefully consider your comments. Your review is important to the Service and must be received by September 13, 1999, as indicated in the enclosed *Federal Register* notice dated July 13, 1999. Please send your comments to the Field Supervisor, Chicago, Ilinois, Field Office, U.S. Fish and Wildlife Service, 1000 Hart Road, Suite 180, Barrington, Ilinois 60010.

The Service seeks to ensure that the best biological and commercial data, scientifically accurate ana]yses of those data, and re~ews of recognized experts are used in its recovery plans. It seeks to demonstrate to the public, other agencies and interests, conservation organizations, and to units within the Service that the best data, scientific ana]yses, and ~ews of affected or involved parties were considered in developing the document.

If you have questions or wish to discuss this draft, please contact John Rogner, Field Supervisor (847/381-2253, extension 212), or Louise Clemency, Endangered Species Coordinator (extension 215), located at the Chicago, lllinois, Field Office.

Charles M. Wooley
Assistant Regional Director
Ecological Services

Thank you for your time and effort in providing your valuable assistance.

Enclosures

DRAFT

Press Release

Contact: Paul McKenzie 573-876-1911, ext. 206
E- mail: Paul_McKenzie@mail.fws.gov

Indiana Bat Agency Draft Revised Recovery Plan
Available for Review

The U.S. Fish and Wildlife Service (Service) announces the availability of the agency draft revised recovery plan for the endangered Indiana bat (*Myotis sodalis*). The Service is seeking comments on the draft plan from all interested parties. Comments will be accepted through [***ESO-TE will provide the date, once received from the Office of the Federal Register***].

"The agency draft revised plan identifies research needs that will help pinpoint the causes of decline for the Indiana bat, allowing development of strategies to help restore its populations," said William Hartwig, Regional Director for the Service.

The Indiana bat was listed as endangered in 1967 under the precursor to the Federal Endangered Species Act. Major threats to the bat are believed to be human disturbance of hibernating bats, as well as lack of access by bats to hibernation caves. Other threats are under study.

The Service approved the Indiana Bat Recovery Plan in 1983. Biologists have noted a 60 percent decline in Indiana bat numbers from the 1960s through the mid-1990s. The Indiana Bat Recovery Team, comprised of Federal and state biologists and other bat experts, has developed a draft revised plan based on the bat's current status. The agency draft plan incorporates comments solicited by the Recovery Team from bat experts and state agency personnel.

Recovery plans are developed for federally endangered or threatened species and are used as a blueprint for agencies to guide them toward restoring and recovering a species. The goal is to bring populations to a point that protection of the Endangered Species Act is no longer necessary.

Indiana bats are currently found in 26 states in the eastern U.S. They feed exclusively on flying insects, hibernate in caves or mines in the winter, and maintain maternity colonies in trees during the summer. Known bat numbers in the mid-1990s were estimated at 353,000, which is thought to be a decline of 60 percent from 1960s numbers.

Copies of the Indiana Bat Agency Draft Revised Recovery Plan may be purchased from the Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 (telephone: 301-492-6403 or 800-582-3421), or may be obtained from the Service's website at www.fws.gov/r3pao/bat.pdf. Comments on the draft plan must be received by [***ESO-TE will insert date***] and should be addressed to: Field Supervisor, U.S. Fish and Wildlife Service, 608

East Cherry Street, Room 200, Columbia, Missouri 65201. Access to the Service's Region 3 HomePage at www.fws.gov/r3pao/eco_serv/endangrd/index.html will provide facts and a photo of the Indiana bat. The revised Indiana bat recovery plan will be prepared once the Service has considered the comments received on the agency draft revised plan.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people. The Service manages the 93-million-acre National Wildlife Refuge System comprised of more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 66 national fish hatcheries and 78 ecological services field stations.

The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state wildlife agencies.

For further information about the programs and activities of the U.S. Fish and Wildlife Service in the Great Lakes-Big Rivers Region, please visit our HomePage at: http://www.fws.gov/r3pao/.

Appendix U.

Notices of Availability for final recovery plans

Johnson's seagrass (*Halophila johnsonii*)
Illinois cave amphipod (*Gammarus acherondytes*)

42422, July 10, 2000) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with an RMP developed jointly by the Tribes and the State of Washington (joint plan) and determined by the Secretary to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000).

Dated: October 1, 2002.

Chris Mobley,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–25333 Filed 10–3–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061202A]

Endangered and Threatened Species; Notice of Availability for the Final Recovery Plan for Johnson's Seagrass

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Availability.

SUMMARY: NMFS announces the availability of the final recovery plan for Johnson's seagrass (*Halophila johnsonii Eiseman*) as required by the Endangered Species Act.

ADDRESSES: Requests for a copy of the final recovery plan should be addressed to: David Bernhart, NMFS, Southeast Regional Office, Protected Resources Division, 9721 Executive Center Drive North, St. Petersburg, FL 33702. A copy of the Final Recovery Plan can also be downloaded from the following web address: *http://www.nmfs.noaa.gov/prot__res/PR3/recovery.html.*

FOR FURTHER INFORMATION CONTACT: David Bernhart, (727) 570–5312 or David O'Brien, (301) 713–1401.

SUPPLEMENTARY INFORMATION:

Background

Johnson's seagrass, *Halophila johnsonii*, is a marine plant species found growing in lagoonal waters along approximately 200 km of coastline in southeastern Florida between Sebastian Inlet and north Biscayne Bay. The species often grows in a patchy, non-contiguous distribution at water depths extending from the intertidal down to 3 meters. Halophila johnsonii is rare, has a limited reproductive capacity, and is vulnerable to a number of anthropogenic and natural disturbances. Johnson's seagrass is listed as threatened under the Endangered Species Act of 1973, as ammended, 16 USC 1531 *et seq.*(ESA) and is the first marine plant to be listed under the ESA. Principal threats to the species' survival include: (1) habitat degradation and destruction from dredging and filling, construction and shading from in- and overwater structures, prop scarring, altered water quality, and siltation; (2) inadequacy of existing regulatory mechanisms to protect seagrasses; and (3) stochastic storm events.

The recovery plan contains a synopsis of the biology and distribution of Johnson's seagrass, a description of factors affecting species recovery, an outline of actions needed to recover the species, and an implementation schedule for completing the recovery tasks. The recovery plan for Johnson's seagrass, prepared for NMFS by an eight-member recovery team, provides a framework for addressing a multitude of biological concerns and outlines Federal agency responsibilities under the ESA with the sole purpose of insuring long-term survival of the species. NMFS published a notice of availability of the draft recovery plan for Johnson's seagrass in the **Federal Register** on June 26, 2000 (65 FR 39369). Comments were received from nine parties during the 60–day comment period. The majority of the comments were editorial and were incorporated as received. More substantive comments from the reviewers and NMFS' responses to these comments are summarized here.

Comments and Responses

Comment 1: One commenter suggested the use of historic ecological parameters to compare with existing ecological conditions in order to evaluate the extent of perturbations on Johnson's seagrass and its habitat within the current ecosystem.

Response: NMFS agrees with this commenter and the value of comparing historical and existing ecological conditions; however, only limited historical data of this type exists for Johnson's seagrass. With the implementation of the plan's recovery tasks, including the establishment of long-term monitoring sites and the evaluation of ecological parameters, a historical database for Johnson's seagrass will be developed and available for comparative use.

Comment 2: A few reviewers questioned the accuracy of previous research results that were discussed and referenced in the recovery plan.

Response: The recovery plan cites previous research considered relevant to the understanding and recovery of Johnson's seagrass. The information and research results used in the development of the plan represent the best scientific and commercial data available at the time the plan was written. The recovery plan's research review describes what is currently known about Johnson's seagrass and helps identify research needs for the species. NMFS refers any reviewers with questions or comments concerning results or conclusions expressed in a specific reference directly to the author of that citation.

Comment 3: One commenter stated that *H. johnsonii* is regularly found in areas that would not appear to be conducive to seagrasses, such as in finger canals and portions of the Lake Worth Lagoon near the C–51 canal. Based on these observations, H. johnsonii is considered by the commenter to be much more widespread than indicated in the recovery plan.

Response: Johnson's seagrass is known to be patchily distributed in lagoons along approximately 200 km of coastline in southeastern Florida. As stated in the final critical habitat designation (65 FR 17786; April 5, 2000), an abundant core of *Halophila* species, including Johnson's seagrass, has been documented in the middle of its range (Lake Worth Lagoon, Palm Beach County). The species is known to occur in euryhaline areas and has been observed growing perennially near the mouths of freshwater discharge canals (Gallegos and Kenworthy, 1996). Johnson's seagrass uses the niche available to it, often occurring in areas that are generally not conducive to the growth of larger seagrasses. The recovery team is aware of documented observations of *H. johnsonii* in finger canals within the species' range. NMFS is interested in all reports or sightings of Johnson's seagrass. All verified sightings or surveys of Johnson's seagrass are added to a database documenting the species' abundance, distribution, and ecological parameters.

Comment 4: One reviewer commented on the need to identify the Florida Fish and Wildlife Conservation Commission (FWC), Division of Marine Resources (DMR), as an active agency in the Conservation Measures of the plan and to address the critical role that this state agency plays in the management, enforcement, and conservation of seagrass and marine habitat.

Response: A descriptive paragraph about the FWC, DMR, has been added to the recovery plan's ''State Conservation Measures'' section. The FWC was created in 1998 with the merger of the Florida Game and Fresh Water Fish Commission and the Marine Fisheries Commission. This new state agency has full constitutional rulemaking authority, under the Florida Endangered and Threatened Species Act, Chapter 372.072 of the Florida Statutes (F.S.), to protect and manage threatened and endangered marine species. However, the Florida Endangered and Threatened Species Act (F.S. 372.072) limits the definitions of endangered and threatened species to only include members of the animal kingdom (any species of fish and wildlife).

Although federally listed, Johnson's seagrass is not managed as a threatened marine species by the FWC. The FWC, Bureau of Protected Species Management, provides comments and recommendations to state permitting agencies on actions that may impact seagrass, including Johnson's seagrass, based on the protection of essential habitat for the listed manatees and marine turtles. Projects are not reviewed by the state solely for impacts to Johnson's seagrass or its designated critical habitat. The plan describes FWC's role in protecting Florida's seagrass habitat, including Johnson's seagrass throughout its range, through its (a) permitting program for the harvest of seagrass (for educational or research purposes), (b) regulation of fishery practices that may harm seagrasses, (c) enforcement efforts of state regulations to protect seagrass and marine habitat, (d) management-oriented research programs for seagrass, and (e) seagrass outreach and education efforts.

Despite these valuable conservation measures, degradation or destruction of Johnson's seagrass habitat (including dredge and fill, construction and shading from overwater structures, prop scarring and anchor mooring, and altered water quality) continues throughout this species' limited range. NMFS would support efforts by the state of Florida to strengthen regulatory mechanisms for greater protection of Johnson's seagrass, including, for example, revision of the Florida Endangered and Threatened Species Act (F.S. 372.072) to include all state and/or federally listed endangered and threatened plant species (upland, freshwater, and marine) occurring in Florida.

Comment 5: One reviewer requested an Environmental Impact Assessment to evaluate the effect of listing of this species on local and state economics.

Response: The listing of a species under the ESA is based solely on the needs of the species. Neither an Environmental Assessment nor an Environmental Impact Statement is a requirement for ESA listing. Section 4(f) of the ESA directs the responsible Federal agency to develop and implement a recovery plan for listed species. A recovery plan is a guide for the recovery and persistence of the species and will not have a significant impact on the environment. Estimates of the time required and the cost to carry out the recovery goals have been incorporated into the recovery plan in the form of an implementation table. The goals and objectives of the plan will be attained and funds expended contingent upon agency appropriations and priorities. The actions that an agency implements according to the plan may have to be reviewed at that time for National Environmental Policy Act (NEPA) requirements.

Comment 6: One commenter suggested refinement of the habitat requirements, taking into account sediment requirements for the species.

Response: We refined recovery task 3.01 to discuss sediment characteristic and habitat requirements for the species.

Comment 7: One reviewer stated that the plan does not address how permitting of work within or adjacent to designated critical habitat will be affected. That is, the reviewer questioned how a proposed project located within critical habitat will be treated compared to projects located outside of critical habitat.

Response: The review of federally permitted actions is independent of the recovery plan and is addressed under section 7 of the ESA (Interagency Cooperation). Federal action agencies must review their proposed actions to determine whether any action may affect a listed species or critical habitat. Under section 7, Federal agencies must consult with NMFS on proposed actions to determine whether any such action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

Comment 8: A commenter was concerned with the use of the term ''hybridization'' in the ''Growth Form and Reproductive Biology'' section. The commenter stated that some could take this word to mean that the seagrass is not a distinct species, and accordingly, not entitled to protection under the ESA.

Response: Halophila johnsonii has been identified as a distinct species since 1980. *Halophila johnsonii* was previously referred to either as *H. decipiens* or *H. baillonis* Ascherson, but it most closely resembles *H. ovalis* (R. Brown) Hooker f., an Indo-Pacific species, both morphologically and genetically (McMillan and Williams, 1980). Newly developing genetic evidence also suggests that *H. johnsonii* is more closely related, phylogenetically, to *H. ovalis* than with the other *Halophila* species, including *H. decipiens*, which is commonly found in mixed seagrass beds with Johnson's seagrass. Because of this new genetic data, the use of the term ''hybridization'' in the plan's ''Growth Form and Reproductive Biology'' section was no longer needed and was removed.

Comment 9: One commenter suggested the definition ''stable, self-sustaining population,'' as used in the plan's recovery criteria, be revised and that objective criteria be incorporated to further define ''self-sustaining.'' Another reviewer commented that the plan did not include sufficient recovery objectives and criteria.

Response: The definition for ''stable, self-sustaining population'' was revised and clarified as ''a population that has been documented to persist for at least 10 years.'' Substantial changes were also made to the ''Objectives and Criteria'' section of the plan's Recovery Chapter. The section now reads as follows: ''The recovery objective for *H. johnsonii* is to delist the species by assuring its long-term persistence throughout its range. *Halophila johnsonii* should be considered for delisting when all of the following criteria are met:

(1) The species' present geographic range remains stable for at least 10 years or increases, (2) self-sustaining populations are present throughout the range at distances less than or equal to the maximum dispersal distance to allow for stable vegetative recruitment and genetic diversity, and (3) populations and supporting habitat in its geographic range have long-term protection (through regulatory action or purchase acquisition).

Quantitative information, including the number of self-sustaining populations necessary and the quality and quantity of habitat required to further define and meet these criteria, are included as recovery plan tasks in the Final Recovery Plan.

Comment 10: One commenter felt that the range-wide monitoring tasks for Johnson's seagrass would not include information or data on adverse impacts (such as dredging or recreational boating prop scarring) occurring to the species and its habitat throughout its range.

Response: Adverse impacts to Johnson's seagrass could be detected during detailed mapping, which is specified as a recovery task in the plan. Johnson's seagrass distribution, abundance, shoot density and cover, and a suite of environmental parameters (such as optical water quality, water depth, and salinity) would be determined at monitoring locations range-wide. Year-to-year variation of these parameters at these sites would be examined and tracked. In addition, attempts will be made to match these monitoring site locations to locations within the range of Johnson's seagrass that have historical water quality data or currently have water quality data collections taking place.

Comment 11: One commenter felt that a sufficient buffer distance should be included in the plan's recommendation to preserve natural shoreline buffers.

Response: NMFS agrees with this comment and the need to define sufficient buffer distances. Recovery plan tasks 5.11 and 5.12 address the importance of preserving and acquiring natural shoreline buffers in the protection of Johnson's seagrass habitat. However, the plan does not include a fixed buffer distance since this distance can vary based on conditions, including local variation in topography and upland characteristics. Data on sufficient buffer distances are not currently available and developing this information is beyond the scope of this plan. State agencies such as the Florida Department of Environmental Protection (FDEP), Bureau of Beaches and Coastal Systems or Aquatic Preserves Program; Water Management Districts; Florida Forever Act Program; or the State Comprehensive Plan may have Geographic Information System information on Florida shorelines and the future capability for developing broad-scale, standardized buffer distances.

Comment 12: A few commenters requested clarification of the restoration recovery tasks. For recovery task 7.01, a commenter suggested to specifically reference ''both excavated vegetative fragments and naturally dislodged and free floating and 'intertidal driftline' vegetative fragments'' as sources for the proposed experiments.

A second commenter was concerned that the development of restoration techniques and a restoration program can be seen by some as a way to avoid recovering the species in the wild. The commenter added that these programs should not become a substitute for addressing existing threats.

A third commenter was concerned with identifying and using ''superior stock'' of Johnson's seagrass for restoration purposes because ''the use of seagrass stock that is restricted in genetic variability could lead to over-representation of a particular genotype within the regional population.'' This commenter suggested a clarification of the term ''superior stock'' and how the use of such stock will account for maintaining genetic variability throughout the range of the species.

Response: The recovery team further examined and edited this section. Recovery task 7.01 was rewritten to read, ''Conduct mesocosm and field experiments to test the feasibility of transplanting excavated and naturally-dislodged (free floating and intertidal driftline) vegetative fragments of *H. johnsonii* under a broad range of environmental conditions.''

Recovery tasks 7.03, 7.04, and 7.05 were also rewritten and task 7.06 was removed based upon comments. NMFS agrees that a restoration (or transplanting) program should not take precedence over addressing the existing threats to Johnson's seagrass or the recovery and protection of the species in the wild. NMFS believes it is possible, however, that the recovery of lost populations may be enhanced by transplantation of natural or cultivated vegetative fragments because of the limited or absent sexual reproduction in this species. The identification of superior stock characteristics of Johnson's seagrass and the maintenance of stocks with these characteristics can be a valuable tool in the restoration of damages or losses to the species. Care will have to be taken that any restoration does not have adverse effects on the species' genetic diversity. NMFS does not consider the identification and maintenance of superior stocks of Johnson's seagrass for restoration as a substitute for avoiding and minimizing impacts to the species or its critical habitat or a replacement to the protection and wise management of the species in the wild.

Comment 13: One commenter suggested that the management section of the plan be expanded and that the plan address the issue of cooperation with the state of Florida under section 6 of the ESA.

Response: NMFS recognizes the necessity of intergovernmental coordination in the protection of Johnson's seagrass and its habitat. A primary goal of the Johnson's seagrass recovery plan is to determine and implement habitat management needs and techniques for protection of the species. Specific management recovery tasks in the final plan that incorporate interagency cooperation, including state agencies, include tasks 5.03., 5.05., 5.09., and 5.13. A section 6 agreement under the ESA with may be one way to facilitate interagency coordination in the protection of Johnson's seagrass. NMFS will explore this option with the state of Florida.

Comment 14: Various commenters suggested specific project methodologies and techniques be added to the recovery tasks. One commenter, for example, stated that many of the tasks do not contain detailed narratives as to how each recovery task will be implemented.

Response: These comments offer valuable technical input. Specific methods or scientific procedures (such as for genetic sampling or the use of grating material for dock grating) used to implement recovery tasks will be developed according to the specific project design. The plan does not specify research methodologies in advance since methodologies and techniques used to complete these recovery tasks will be developed based on a project's goals and objectives, the current state of technology, and upon the decisions made by the primary investigator(s).

Comment 15: A few commenters suggested that a summary or list of the recovery tasks or a prioritized list of the recovery tasks be added to the recovery plan.

Response: Both a summary and a prioritized list have been added to the final recovery plan.

Comment 16: One reviewer commented that the recovery plan is based on conjecture and speculation and that little, if anything, proposed in the plan would cause any recovery of the species.

Response: The recovery plan is based on the best scientific and commercial data available at the time it was written. The basis for listing Johnson's seagrass' as threatened are human impacts on the plant and its habitat, the species' reproductive strategy, and its limited geographic distribution. Section 4(f) of the ESA directs NMFS to develop and implement a recovery plan for Johnson's seagrass, unless such a plan would not promote the conservation of the species. NMFS determined that a recovery plan would promote conservation and recovery of Johnson's seagrass. The Recovery Team and NMFS believe that the tasks defined and implemented will lead to the survival and recovery of *H. johnsonii*. The goal of the plan is the eventual delisting of the species.

Comment 17: Numerous reviewers commented on implementation table costs, adequacy of funding, and availability of current funding. A few

commenters expressed concern for how the plan will be implemented and enforced.

Response: NMFS is committed to the implementation of the Johnson's seagrass recovery plan and in establishing an implementation team to address research and management goals. NMFS agrees with the Johnson's Seagrass Recovery Team that the goals and objectives of this recovery plan can be achieved only if a long-term commitment is made to support the actions recommended here. Achieving these goals and objectives will require the cooperation of state and Federal government agencies as well as private individuals and organizations. Goals and objectives will be attained and funds expended contingent upon agency appropriations and priorities.

Comment 18: Numerous commenters expressed support of the plan and described it as informative, well-written, and comprehensive. One of these commenters stated that the plan ''includes helpful research tasks, however, there is a lack of discussion regarding certain recovery tasks.'' The Florida Department of Community Affairs determined the plan to be consistent with the Florida Coastal Management Program.

Response: The Johnson's seagrass Recovery Team was dedicated to producing a comprehensive and effective plan that will promote the protection and sustainability of Johnson's seagrass and its habitat. The introductory narratives for the eight major recovery tasks were reviewed and revised by the team for the final plan. Further discussion or clarification was made to the narratives and the specific recovery tasks as needed.

Recovery Task Priority Changes

Priority 1 recovery tasks are actions that must be taken to prevent extinction or to identify those actions necessary to prevent extinction. An action that must be taken to prevent a significant decline in population numbers, habitat quality, or other significant negative impacts short of extinction is a priority 2 task. All other actions necessary to provide for full recovery of listed species are priority 3 tasks.

NMFS has modified the priorities assigned to certain recovery tasks in the Implementation Schedule to better reflect NMFS guidance on priority rankings (55 FR 24296, June 14, 1990). These changes resulted in downgrading from priority 1 to 2 the following recovery tasks: 1.01, 2.01, 2.02, 5.02, 5.10, 6.01, and 7.01. Recovery task 3.06 (with edits) was changed from priority 1 to priority 3. Recovery tasks downgraded from priority 2 to 3 include: 3.01, 3.02, 3.03, 5.14, 7.02, and 8.05. Recovery task 5.09 was changed from priority 2 to priority 1. Recovery tasks 4.03 and 5.01 were changed from priority 3 to priority 2.

Additional notable edits to the recovery tasks include the following:

(a) 1.02, 1.03, and 1.05 in the draft plan were changed to recovery tasks 1.01A, 1.01B, and 1.01C, respectively, in the final plan.

(b) 1.04 and 1.06 were combined into task 1.02.

(c) 3.02 was changed to task 5.01.

(d) 3.08 was rewritten and changed to 3.06.

(e) 5.01 was rewritten and changed to 5.02.

(f) 5.05 was merged into 5.06.

(g) 5.10 was rewritten and changed to 5.14.

(h) 7.02, 7.04, and 7.06 were combined to 7.03.

(i) 7.03 was separated into tasks 7.02 and 7.04.

Implementation of the Plan

NMFS is committed to the implementation of the Johnson's Seagrass Recovery Plan and to developing an implementation team to address research and management goals. A long-term management plan will be developed by an implementation team, and the approved Johnson's Seagrass Final Recovery Plan will be used to address and implement recovery strategies for H. johnsonii. The goals and objectives of the plan will be attained and funds expended contingent upon agency appropriations and priorities. The recovery plan and criteria may be revised in the future on the basis of new information. Public notice and an opportunity for public review and comment would be provided prior to final approval of a revised recovery plan.

Authority: 16 U.S.C. 1531–1543 *et seq.*

Dated: September 26, 2002.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 02–25328 Filed 10–3–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091002A]

Marine Mammals; File No. 1032–1679–00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Robert A. Garrott, Ph.D., Ecology Department, Montana State University, 310 Lewis Hall, Bozeman, Montana 59717 (PI: Dr. Robert Garrott), has been issued a permit to take Antarctic pinnipeds for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Carrie Hubard (301)713–2289.

SUPPLEMENTARY INFORMATION: On July 12, 2002, notice was published in the **Federal Register** (67 FR 46179) that a request for a scientific research permit to take Antarctic pinnipeds, target species, Weddell seals (*Leptonychotes weddellii*), had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

A Permit was issued to take Weddell seals by capture to tag, tissue and blood sample, instrument, and incidentally harass crabeater seal (*Lobodon carcinophagus*), leopard seal (*Hydrurga leptonyx*), Ross seal (*Ommatophoca rossii*), southern elephant seal (*Mirounga leonina*), and Antarctic fur seal (*Archtocephalus gazella*). Activities will occur in McMurdo Sound, Antarctica and the Ross Sea. The Holder is also authorized to import samples collected from live captures and hard parts collected from carcasses during the above-listed activities.

Dated: September 25, 2002.

Trevor Spradlin,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–25329 Filed 10–3–02; 8:45 am]

BILLING CODE 3510–22–S

endorsement date (as applicable) within the second 6 months of 2002.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	On or after	Prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1. 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5⅞	July 1, 2001	Jan. 1, 2002.
5¼	Jan. 1, 2002	July 1, 2002.
5¾	July 1, 2002	Jan. 1, 2003.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8-to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.255 and 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning July 1, 2002, is 6⅝ percent.

HUD expects to publish its next notice of change in debenture interest rates in January 2003.

The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715*l*, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Dated: August 29, 2002.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 02–25943 Filed 10–10–02; 8:45 am].

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Approved Recovery Plan for the Illinois Cave Amphipod (*Gammarus acherondytes*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of the approved recovery plan for the Illinois cave amphipod (*Gammarus acherondytes*.) The endangered Illinois cave amphipod is known only to occur in Monroe and St. Clair Counties in southwestern Illinois. It is a groundwater dwelling invertebrate found in gravel or cobble sections of cave streams. The quality and condition of groundwater in the amphipod's habitats are tied to land use practices within cave recharge areas. The plan proposes to develop partnerships with Federal and state agencies, organizations, and private landowners that will provide mechanisms for protecting Illinois cave amphipod populations through voluntary and incentive-driven stewardship efforts.

ADDRESSES: U.S. Fish and Wildlife Service's approved recovery plans are available from:

1. Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 (the fee for the plan varies depending on the number of pages of the plan).

2. Field Supervisor, U.S. Fish and Wildlife Service, Rock Island Ecological Services Field Office, 4469–48th Avenue Court, Rock Island, Illinois 61201

3. The World Wide Web at: *http://endangered.fws.gov/RECOVERY/RECPLANS/Index.htm*

FOR FURTHER INFORMATION CONTACT: Ms. Jody Gustitus Millar (see **ADDRESSES** section No. 2 above) or telephone at (309) 793–5800. The Fish and Wildlife Reference Service may be reached at (301) 492–6403 or (800) 582–3421. TTY users may contact Ms. Millar and the Fish and Wildlife Reference Service through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals or plants is a primary goal of the Service's endangered species program. A species is considered recovered when the species' ecosystem is restored and/or threats to the species are removed so that self-sustaining and self-regulating populations of the species can be supported as persistent members of native biotic communities. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for reclassification to threatened status or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq*.) requires that recovery plans be developed for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that during recovery plan development, we provide public notice and an opportunity for public review and comment. Information presented during the comment period has been considered in the preparation of the approved recovery plan, and is summarized in an appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal Agencies and other entities so that they can take these comments into account during the course of implementing recovery actions.

The Illinois cave amphipod was listed as an endangered species under the Act on September 3, 1998 (63 *FR* 46900). It is a groundwater dwelling invertebrate

found in gravel or cobble sections of cave streams. The principle threats to the existence of the species are degradation of karst terrain habitat through groundwater contamination (resulting from urbanization, agricultural activities, and human and animal waste from residential septic systems and livestock feedlots), inadequate protection of water quality in a sensitive geological formation (such as karst) through current state and local regulations, and natural events (*i.e.*, a heavy spring snowmelt or rainstorm) that could cause a flushing of all systems at one time.

Historically, the Illinois cave amphipod was known to occur in six cave systems in Monroe and St. Clair Counties, Illinois. Its presence has not been confirmed in Madonnaville Cave, Monroe County and it appears to be extirpated from Stemler Cave, St. Clair County. Additional populations have been found within the known range of the species in eight additional groundwater systems in Monroe County.

The quality and condition of groundwater in the amphipod's habitats are tied to land use practices within cave recharge areas. The plan proposes to develop partnerships with Federal and state agencies, organizations, and private landowners that will provide mechanisms for protecting Illinois cave amphipod populations through voluntary and incentive-driven stewardship efforts.

The objective of this plan is to provide a framework for the recovery of the Illinois cave amphipod so that protection by the Act is no longer necessary. As recovery criteria are met, the status of the species will be reviewed and it will be considered for removal from the List of Endangered and Threatened Wildlife and Plants (50 CFR part 17). The Illinois cave amphipod will be considered for reclassification to threatened when five viable, stable populations in five separate groundwater basins with distribution in two of three sub-regions remain extant, and when there is a significant increase in the use of best management practices in the groundwater recharge areas in each of the five groundwater basins. The subregions are Columbia, Waterloo, and Renault Sub-regions of the Illinois Salem Plateau. The cave amphipod may be considered for delisting when five viable, stable populations in five separate groundwater basins with distribution in two of three sub-regions remain extant and are supported by persistent use of best management practices substantially protecting the groundwater recharge areas of the five groundwater basins. The subregions are Columbia, Waterloo, and Renault Sub-regions of the Illinois Salem Plateau.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: September 19, 2002.

Lynn M. Lewis,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

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BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Approved Recovery Plan for the Pitcher's Thistle (*Cirsium pitcheri*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) announce the availability of the approved recovery plan for the Pitcher's thistle (*Cirsium pitcheri*), a species that is federally listed as threatened under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). This species occurs on the shoreline dunes of Lakes Michigan, Huron and Superior. Actions needed for recovery of the Pitcher's thistle include managing and protecting its current highest quality and extirpated historic sites.

ADDRESSES: U.S. Fish and Wildlife Service's approved recovery plans are available from:

1. Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814 (the fee for the plan varies depending on the number of pages of the plan).
2. Field Supervisor, U.S. Fish and Wildlife Service, East Lansing Ecological Services Field Office, 2651 Coolidge Road, East Lansing, Michigan 48823
3. The World Wide Web at *http://endangered.fws.gov/RECOVERY/RECPLANS/Index.htm*

FOR FURTHER INFORMATION CONTACT: Mr. Mike DeCapita, East Lansing Ecological Services Field Office (see **ADDRESSES** section No. 2 above); telephone (517) 351–2555. The Fish and Wildlife Reference Service may be reached at (301) 492–6403 or (800) 582–3421. TTY users may contact Mr. DeCapita and the Fish and Wildlife Reference Service through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals or plants is a primary goal of the Service's endangered species program. A species is considered recovered when the species' ecosystem is restored and/or threats to the species are removed so that self-sustaining and self-regulating populations of the species can be supported as persistent members of native biotic communities. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for reclassification to threatened status or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Endangered Species Act of 1973, as amended, requires that recovery plans be developed for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that during recovery plan development, we provide public notice and an opportunity for public review and comment. Information presented during the comment period has been considered in the preparation of the approved recovery plan, and is summarized in an appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal Agencies and other entities so that they can take these comments into account during the course of implementing recovery actions.

The Pitcher's thistle, a rare, distinctive, perennial plant, was listed as a threatened species under the Act in July 1988 (53 *FR* 27137). It is endemic to the shoreline dune systems of Lakes Michigan, Huron and Superior. The species ranges from the north shore of Lake Superior south to Indiana, and formerly occurred in northern Illinois. Pitcher's thistle occurs only on dynamic open sand dunes subject to natural processes that maintain habitat in early successional stages. It is currently threatened by human recreational activities and development that obliterate habitat, stabilize sand dune areas, and directly harm individual plants. Introduction of biological agents to control noxious weeds may also threaten this plant.

The objective of this plan is to provide a framework for the recovery of the Pitcher's thistle so that protection by the Act is no longer necessary. As recovery criteria are met, the status of the species will be reviewed and it will be considered for removal from the List of Endangered and Threatened Wildlife

Appendix V. Linking Threats to Recovery Actions (Table and Tip sheet).

LISTING FACTOR	THREAT	RECOVERY CRITERIA	TASK NUMBERS
A	Agricultural development and associated hydrologic alterations	1, 3	Identify and control threats, discourage conversion of habitat, protect and restore floodplain hydrology, conduct research, secure funding for recovery actions (see Tasks 1.6, 1.6.4, 1.6.5, 3, 6)
A	Road construction and maintenance	1,3	Identify and control threats, manage herbicide use, conduct research (see Tasks 1.6, 1.6.6, 3)
C	Livestock grazing	1,3	Manage livestock grazing , fence livestock areas, conduct research, secure funding for recovery actions (see Tasks 1.6.1, 1.6.2, 3)
D	State ESA does not provide protection for plants on private lands and all thelypody populations are found on private lands	2, 3, 4	Survey and prioritize sites for protection, protect sites in the interim, and secure permanent protection through easements and acquisition, identify and protect unoccupied habitat sites, conduct research, secure funding for recovery actions (see Tasks 1.1, 1.2, 1.3, 1.4, 1.5, 2, 3, 3.1, 3.3, 4, 5, 6)
E	Herbicide use	1,3	Identify and control threats, manage herbicide use conduct research, secure funding for recovery actions (see Tasks 1.6, 1.6.6, 3)
E	Competition form non-native plants species	1,3,4	Identify and control threats, control non-native species invasion, conduct research, secure funding for recovery actions (see Tasks 1.6, 1.6.3, 3, 3.4, 6)
E	Naturally occurring events (drought/fire)	1,4	Conduct research, see Task 3

Listing Factors:
A. The Present or Threatened Destruction, Modification, or Curtailment Of Its Habitat or Range
B. Overutilization for Commercial, Recreational, Scientific, Educational Purposes (not a factor)
C. Disease or Predation
D. The Inadequacy of Existing Regulatory Mechanisms
E. Other Natural or Manmade Factors Affecting Its Continued Existence

Recovery Criteria:
1. At least five stable or increasing thelypody populations are distributed throughout its extant or historic range. Populations must be naturally reproducing with stable or increasing trends for 10 years. **2**. All five populations are located on permanently protected sites. Permanently protected sites are either owned by a State or Federal agency or a private conservation organization, or protected by a permanent conservation easement that commits present and future landowners to the conservation of the species.

3. Management plans have been developed and implemented for each site that specifically provide for the protection of the thelypody and its habitat.. A post-delisting monitorii plan is in place that will monitor the status of the thelypody for at least 5 years at each site.